DOCUMENT RESUME

ED 149 423 EA 010 238

TITLE	Department of Education Act of 1977. Hearings before the Committee on Governmental Affairs. United States Senate, Ninety-fifth Congress, First Session on S.991, S.255, S.300, S.894, and S.1685. Part 1.
INSTITUTION	Congress of the U.S., Washington, D.C. Senate Committee on Governmental Affairs.
PUB DATE	77
NOTE	495p.; Not available in paper copy due to small type size of original document; Best copy available
AVAILABLE FROM	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Stock No. 052-070-04356-3; $4.75)
EDRS PRICE	MF-$1.00 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS	Administrative Change; *Educational Legislation; Elementary Secondary Education; *Federal Government; *Federal Legislation; *Governmental Structure; Postsecondary Education

ABSTRACT

This publication is a comprehensive record of testimony and exhibits presented to the Committee on Governmental Affairs of the U.S. Senate during hearings on five proposed bills to establish a Department of Education. The hearings were conducted on October 12 and 13, 1977 to consider the following bills: S.991, S.255, S.300, S.894, and S.1685. Testimony and exhibits are presented chronologically and indexed alphabetically by witnesses' names. The complete text of each bill is also included. (JG)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED149423

BEST COPY AVAILABLE

DEPARTMENT OF EDUCATION ACT OF 1977

HEARINGS

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

S. 991, S. 255, S. 300, S. 894, and S. 1685

OCTOBER 12 AND 13, 1977

PART 1

Printed for the use of the Committee on Governmental Affairs

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

U.S. GOVERNMENT PRINTING OFFICE
99-035 O WASHINGTON : 1977

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

EA 010 238

ED174353

COMMITTEE ON GOVERNMENTAL AFFAIRS

ABRAHAM RIBICOFF, Connecticut, *Chairman*

JOHN L. McCLELLAN, Arkansas
HENRY M. JACKSON, Washington
EDMUND S. MUSKIE, Maine
LEE METCALF, Montana
THOMAS F. EAGLETON, Missouri
LAWTON CHILES, Florida
SAM NUNN, Georgia
JOHN GLENN, Ohio
JIM SASSER, Tennessee

CHARLES H. PERCY, Illinois
JACOB JAVITS, New York
WILLIAM V. ROTH, Jr., Delaware
TED STEVENS, Alaska
CHARLES McC. MATHIAS, Jr., Maryland
JOHN C. DANFORTH, Missouri
H. JOHN HEINZ III, Pennsylvania

Richard A. Wegman, *Chief Counsel and Staff Director*

Paul Hoff, *Counsel*
Eli E. Nobleman, *Counsel*
Paul C. Rosenthal, *Counsel*
Claude E. Barfield, *Professional Staff Member*
Claudia T. Ingram, *Professional Staff Member*

Ellen S. Miller, *Professional Staff Member*
Theodore J. Jacobs, *Counsel (Regulatory Reform)*
James M. Graham, *Counsel (Regulatory Reform)*
Ethel Z. Geisinger, *Special Assistant (Regulatory Reform)*

Marilyn A. Harris, *Executive Administrator and Professional Staff Member*
Elizabeth A. Preast, *Chief Clerk*

John B. Childers, *Chief Counsel to the Minority*
Brian Conboy, *Special Counsel to the Minority*
Robert V. Heffernan, *Research Assistant*

Harold C. Anderson, *Staff Editor*

CONTENTS

Opening statments: Page
- Senator Ribicoff ---- 1
- Senator Percy ---- 3
- Senator Javits ---- 4
- Senator Sasser ---- 5
- Senator Percy ---- 6
- Senator Chiles ---- 7
- Senator Metcalf ---- 8
- Senator Glenn ---- 9
- Senator Nunn ---- 227

WITNESSES

WEDNESDAY, OCTOBER 12, 1977

Hon. Claiborne Pell, U.S. Senator from the State of Rhode Island; Hon. Pete V. Domenici, U.S. Senator from the State of New Mexico; and Hon. Henry Bellmon, U.S. Senator from the State of Oklahoma, a panel ---- 10

James Farmer, executive director, Coalition of American Public Employees; Dr. Carl Marburger, senior associate, National Committee for Citizens in Education; and Winfield M. Kelly, Jr., county executive, Prince Georges County, Md., a panel ---- 20

Rufus E. Miles, Jr., Woodrow Wilson School of Public Affairs, Princeton University; Dr. Stephen K. Bailey, Harvard Graduate School of Education; and Dr. Samuel Halperin, former HEW Deputy Assistant Secretary for Legislation, a panel ---- 34

THURSDAY, OCTOBER 13, 1977

John Ryor, president, National Education Association; Dr. Wayne Teague, Chief State School Officers, Alabama State superintendent of education, accompanied by Joanne Goldsmith, member, Maryland State Board of Education, National Association of State Boards of Education; Grace C. Baisinger, president, National Congress of Parents & Teachers (PTA); Will D. Davis, president, National School Boards Association; and Frank Dick, immediate past president, American Association of School Administrators, superintendent of schools, Toledo, Ohio, a panel ---- 229

Dr. Terrel H. Bell, commissioner of higher education, State of Utah; Dr. Sidney P. Marland, president, College Entrance Examination Board, University of Utah; Harold Howe II, vice president for education, the Ford Foundation; Francis Keppel, director for the program on education, Aspen Institute for Humanistic Studies; Dr. Sterling M. McMurrin, dean, graduate school, University of Utah; and Dr. Samuel M. Brownell, professor emeritus, Yale University, a panel ---- 270

Alphabetical list of witnesses

- Bailey, Dr. Stephen K.:
  - Testimony ---- 36
  - Questions submitted by Senator Ribicoff, October 26, 1977 ---- 71
  - Answers to questions submitted by Senator Ribicoff ---- 72
- Baisinger, Grace B.:
  - Testimony ---- 248
  - Statistics on PTA membership furnished as requested by Senator Nunn ---- 252
- Bell, Dr. Terrel H.:
  - Testimony ---- 271
  - Prepared statement ---- 284
  - Questions submitted by Senator Ribicoff, October 26, 1977 ---- 312
  - Answers to questions submitted by Senator Ribicoff ---- 314

Alphabetical list of witnesses—Continued

Page

- Bellmon, Hon. Henry:
  - Testimony 12
  - Prepared statement 18
- Brownell, Dr. Samuel M.:
  - Testimony 281
  - Prepared statement 308
  - Questions submitted by Senator Ribicoff, October 26, 1977 312
  - Answers to questions submitted by Senator Ribicoff, with attachment 322
- Davis, Will D.: Testimony 255
- Dick, Frank:
  - Testimony 259
  - Prepared statement 264
- Domenici, Hon. Pete V.:
  - Testimony 13
  - Prepared statement 19
- Farmer, James:
  - Testimony 20
  - Prepared statement 28
  - List of members on the Citizens Committee for a Cabinet Department of Education 33
- Goldsmith, Joanne, testimony 245
- Halperin, Dr. Samuel:
  - Testimony 38
  - Prepared statement with attachments 50
  - Questions submitted by Senator Ribicoff, October 26, 1977 71
  - Answers to questions submitted by Senator Ribicoff 76
- Howe, Harold, II:
  - Testimony 276
  - Prepared statement 292
  - Questions submitted by Senator Ribicoff, October 26, 1977 312
  - Answers to questions submitted by Senator Ribicoff 316
  - Statement of Clark Kerr, chairman, Carnegie Council on Policy Studies in Higher Education 318
- Kelly, Winfield M., Jr.:
  - Testimony 24
  - Prepared statement 32
- Keppel, Francis:
  - Testimony 274
  - Prepared statement 296
  - Questions submitted by Senator Ribicoff, October 26, 1977 312
  - Answers to questions submitted Senator Ribicoff 313
- Marburger, Dr. Carl: 313
  - Testimony 22
  - Prepared statement 29
- Marland, Dr. Sidney P.:
  - Testimony 273
  - Questions submitted by Senator Ribicoff, October 26, 1977 312
  - Answers to questions submitted by Senator Ribicoff 328
- McMurrin, Dr. Sterling M.:
  - Testimony 279
  - Prepared statement 299
  - Questions submitted by Senator Ribicoff, October 26, 1977 312
  - Answers to questions submitted by Senator Ribicoff 330
- Miles, Rufus E., Jr.:
  - Testimony 34
  - Questions submitted by Senator Ribicoff, October 26, 1977 71
  - Prepared statement 46
- Answers to questions submitted in writing by Senator Ribicoff 73
  - Publication: A Cabinet Department of Education—Analysis and Proposal, by Rufus E. Miles, Jr 78

Alphabetical list of witnesses—Continued

Page
Pell, Hon. Claiborne:
    Testimony 10
    Prepared statement 17
Ryor, John, testimony 229
Teague, Dr. Wayne:
    Testimony 243
    Prepared statement 262

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Letter from Senators Ribicoff and Nunn to Joseph A. Califano, Jr., Secretary of Health, Education and Welfare, October 19, 1977, accompanied by replies from the Secretary 233
Letter to Senator Ribicoff from Senator Javits with enclosure from Gordon M. Ambach, New York State Commissioner of Education, November 9, 1977 237
Letter to Senator Ribicoff from New Jersey State Commissioner of Education Fred G. Burke, December 1, 1977 241

APPENDIX

Prepared statement of Senator Humphrey, U.S. Senator from the State of Minnesota 333
Prepared statement of Senator Inouye, U.S. Senator from the State of Hawaii 334
Prepared statement of Senator Matsunaga, U.S. Senator from the State of Hawaii 335
Prepared statement of Congressman Larry Pressler, a Representative in Congress from the State of South Dakota 337
Prepared statement of Congressman Heftel, a U.S. Representative in Congress from the State of Hawaii 338
Letter with enclosure to Senator Ribicoff from John W. Porter, president, Chief State School Officers, Michigan superintendent of public instruction, October 6, 1977 338
Letter with enclosure: A Report of the Carnegie Council on Policy Studies in Higher Education, to Senator Ribicoff, from Clark Kerr, chairman, Carnegie Council on Policy Studies in Higher Education, October 6, 1977 340
Introductory remarks by Senator Ribicoff, from the Congressional Record March 14, 1977 372
List of cosponsors for S. 991 377
Text of S. 991 378
Text of S. 255 417
Text of S. 300 433
Text of S. 894 454
Text of S. 1685 464

DEPARTMENT OF EDUCATION ACT OF 1977

WEDNESDAY, OCTOBER 12, 1977

U.S. Senate,
Committee on Governmental Affairs,
Washington, D.C.

The committee met at 9:30 a.m., pursuant to notice, in room 3302 Dirksen Senate Office Building, Hon. Abraham Ribicoff (chairman) presiding.

Present: Senators Ribicoff, Percy, Javits, Heinz, Metcalf, Sasser, and Chiles.

Staff members present: Marilyn A. Harris, executive administrator and professional staff member; Elizabeth A. Preast, chief clerk; Robert V. Heffernan, research assistant; and John Childers, chief counsel to the minority.

Chairman Ribicoff. The committee will be in order.

OPENING STATEMENT OF SENATOR RIBICOFF

Today's hearing on the creation of a Federal Department of Education[1] marks the first time in more than 20 years that a congressional committee is actively considering such a proposal.

Over the past 10 years, I and other Members of Congress have called for a Department of Education. This year, Senators Nunn, Magnuson, Humphrey, and Pell, and 50 other Senators have joined me to support a separate department. These Senators represent the entire cross-section of our American citizens—they are liberals, conservatives, Republicans and Democrats. Together, we are saying education today has no national policy direction.

When HEW was formed 24 years ago, the total education budget was $289 million. Today it is more than $10 billion—larger than the budgets of five existing executive departments: Interior, Commerce, Justice, State, and Energy.

The American people will spend a grand total of nearly $140 billion this year on education. This is 8 percent of the gross national product and more than that spent on our national defense.

Today, nearly 3 out of every 10 Americans—63.7 million citizens—are directly involved with education. Our spending constitutes one of the most massive attempts to make educational opportunity available to all our citizens. By far the largest expense of State and local governments is for education—more than one-third, or 38 percent of their budgets.

---

[1] See copy of S. 991, S. 894, S. 300, S. 255, and S. 1685 beginning on p. 378.

State and localities are confounded about how to deal with the problem of declining enrollments in some levels of education, and rising school costs at the same time.

The "fiscal crunch" is now the order of the day. Localities and States are especially vulnerable to recession. We now encounter taxpayer resistance at financing the spiraling cost of education. More than half the property taxes collected across the Nation go to the schools. Referendums for school budgets are often the only recourse a taxpayer has to directly vote down a tax increase—and yet, the Federal Government has only assumed 8 percent of the total education costs.

In the meantime, what is happening to confidence in our schools and to our students' actual performance?

In a Harris survey last year, 89 percent of the public felt "achieving quality education for children" was very important. The public has shown that it wants quality education, but it is having trouble trying to finance it. A 1976 Gallup survey found that 59 percent of the American people feel the quality of education is declining.

Every day, we are deluged with newspaper articles on declining competence at all levels of education—from the elementary classroom student to the college professor.

A study released this August, conducted by Willard Wirtz for the College Entrance Examination Board, on the long decline in the Scholastic Aptitude scores, stated:

> More and more high school graduates show up in college classrooms and employers' personnel offices with barely a speaking acquaintance with the English language and no writing facility at all.

What does all of this mean for education in our country? Is quality education and educational opportunity for all still a national priority for us? If so, and I strongly feel it is, a Department of Education is needed.

Today, we are attempting to remedy an entangled HEW bureaucracy. When HEW was formed, its budget was a mere $5.4 billion. Now, it has grown to $155 billion. Last year, findings by the House Government Operations found that the magnitude and complexity of HEW's activities—including the administration of more than 300 separate programs involving expenditures over $118 billion—caused, in many instances, a lack of direct control over its expenditures, including evidence of fraud and abuse.

We face an uncoordinated, inefficient Federal education bureaucracy as well. Although the largest component is HEW's Education Division, there are more than 130 education programs in 37 other agencies.

The existing education components in HEW are unable to operate effectively. A recent paper by the Education Coalition released this past May states that the U.S. Office of Education, a small service agency in 1965, has evolved over the past decade into a sluggish bureaucracy—unprepared for the new Federal role in education. This "new role" includes the setting of standards, issuance of regulations, monitoring and evaluating of programs. The report states:

> The result has been a failure of policy, of enforcement, and of integrity. There has been too little evaluation, too much confusion and delay in regulation.

The critical challenge for education demands a full-time spokesperson at the highest level of Government—the President's Cabinet. To date, there has been no major speech on education by the new HEW Secretary.

The Department of Health, Education, and Welfare has been reorganized repeatedly. No amount of in-house reorganization can correct the unmanageability of the Nation's largest executive department. To submerge the Education Division's $10 billion worth of programs under the multitude of health and welfare issues is not giving education the importance and national priority it needs.

Enactment of this legislation will help toward effective and efficient delivery of Federal education programs.

In these opening three days of hearings, the committee will hear from some of the most experienced expert observers of Federal education policy in the country. We plan to hold further hearings early next year before we begin to mark up the legislation. We will try to secure final passage before the end of this Congress.

The parents of 50 million children, their grandparents and all those interested in our coming generation want something more for education—not merely a restructuring of the present HEW web into another entanglement. What they want and what 54 Senators want is a commitment to effective leadership—a commitment to creative innovation and a commitment to the American people. Nothing Government does affects the lives of more Americans than education.

We need a Department of Education.

Senator Percy?

OPENING STATEMENT OF SENATOR PERCY

Senator Percy. Mr. Chairman, I regret I will only be able to stay for a few minutes, but I did want to indicate at the outset that, though I am not a cosponsor of this particular legislation, I certainly commend you for calling these hearings. I fully support the hearings, and I feel that the creation of a Department of Education has sufficient merit to warrant very close examination by the committee.

I am a strong proponent of a greater and more efficient Federal effort in the area of education. There is no question that the inadequate nature of the present 8.2 percent Federal share of elementary and secondary educational expenditures places an almost unbearable financial burden on the States and on taxpayers, particularly homeowners. There is no question, with Federal education effort is fragmented, confusing and inefficient. There is no question that the Department of Health, Education, and Welfare is simply too large and needs to be restructured. I am particularly concerned about the problem that we face now in so many of our local communities, which is the high burden of education expense being borne by either a sales tax at the State level, or by a property tax, both of which are regressive taxes.

For example, in my own community, North Shore Chicago, the property tax rate went up 75 to 100 percent.

We must find a way, without relinquishing local control of schools, to divert more of the income tax from the Federal Government, provided we can find a way to do it by cutting other Federal expenditures.

Perhaps a Department of Education would help in that regard, and perhaps it would help us pull together the many diverse elements of the multitude of education programs that we have scattered around the Federal Government.

I have an open mind. I support these hearings very much and we certainly welcome our distinguished colleague, Senator Bellmon, whose leadership on the Budget Committee—the committee created by this Government Affairs Committee some time ago—has been an exemplary example of outstanding leadership in the Senate of the United States. We applaud his testimony.

Chairman **RIBICOFF.** Senator Javits, any remarks?

OPENING STATEMENT OF SENATOR JAVITS

Senator **JAVITS.** Yes; thank you very much, Mr. Chairman.

I have a rather unique interest in this matter, as I am the ranking member of the Human Resources Committee, which deals with education, and has had the legislative oversight. I have been ranking member for quite a few years, and also a member of this committee.

Like Senator Percy, I will listen with an open mind. I am very interested that Senator Pell, the chairman of our Education Subcommittee of Human Resources is also interested in these measures in transferring jurisdiction to a separate department.

The one thing about a department that concerns me, and I give notice of this, because I would like to hear the witnesses on this, is whether or not because it is a department and will have a Secretary, it will be out looking for things to do, and you will have a greater rather than a lesser centralized Washington effort to control education than we have today, when it is one element in a huge department. This troubles me and I would like to hear some evidence of it because though the amounts involved are large, and certainly adequate for a Government department in terms of Federal appropriations, I really don't see all that much that will necessarily change by merely reorganizing into a department.

Now, believing as I do very strongly, in adult education and in lifetime education, and in worker education, especially in times of slack work or unemployment, I can see where a great deal of high creativity can go into this process. I give that just to balance my views, one, the concern, will the Government reach out for more control than we ought to have in Washington over local education; and on the other hand, the enormous areas which remain to be creatively dealt with, will they profit from the concentration of a high level Government department?

Chairman **RIBICOFF.** Thank you, Senator Javits.

Your point of view together with Senator Percy's along with your deep commitment to education, is important.

I think it is interesting to note that 11 members of the Human Resources Committee are cosponsors. In addition, I would say the person that has been pushing probably the most, next to Senator Pell is Senator Magnuson, the chairman of the Labor-HEW Appropriations Subcommittee.

Ever since I have been in the Senate, he has been in charge of the education budget, and every time there is a budget hearing, he comes to me, throwing up his hands, saying: We must have a Department of Education, so I do think the time has really come for us to take a long look at this, to have some hearings this year, and then go into it with much more depth next year.

The questions that Senators Javits and Percy raise, certainly are proper, and I am sure various witnesses will address themselves to them.

Senator Sasser?

Senator SASSER. Thank you, Mr. Chairman.

OPENING STATEMENT OF SENATOR SASSER

I want to give my full support to this legislation. As you know, I was one of the original cosponsors of S. 991 this year. In my campaign for the Senate, I strongly supported the establishment of a Department of Education at the Cabinet level. And I believe that the people of Tennessee are in full agreement that it is time to have a separate Department of Education at the Federal level.

Mr. Chairman, I know we all recognize and appreciate your forceful leadership on this issue. You have truly been a pioneer in leading this country to understand the crucial and immediate need for better education programs for our children. It is indeed a rare occurrence on a major bill in the Senate for there to be more than 50 cosponsors, Mr. Chairman, and I believe the fact that a bipartisan majority of the Senate supports this bill is a testimonial to your leadership and to the correctness of the course we are following.

We have heard many times why we need a separate, Cabinet-level Department of Education. The arguments are simple and compelling. They come from experts in the education field and Government experts, including the former Secretary of Health, Education, and Welfare who is now Chairman of this committee. It makes sense to me to speak not only about the problems we now have in education, but about why a Cabinet-level department would help solve these problems.

A brief look at our Cabinet departments shows that they generally have as their jurisdictions a national matter with national implications. We must have a Defense Department to provide for the common defense. We must have a Justice Department to prosecute Federal crimes and to coordinate our national law enforcement. The Commerce Department keeps up with trade across States lines. The Treasury collects the money to keep the rest of the Government going. And we've just created a new Department of Energy, in recognition of the need for a national energy policy and a coordinated Federal attack on energy problems. This, frankly, is what we need for education—a coordinated Federal effort on an issue that concerns all of us.

I am not talking about federally imposed rules and regulations for the education of our children; that should be done at the local level. And I am not talking either about tying down our education system in a maze of Federal paperwork to drive its cost up even further. What we need is a coordinated policy to help the local and State school boards help themselves. Where research can be done without duplication, let us do it at the Federal level and save money. Where Federal education authority can be consolidated to make it easier for State and local schools to keep up with Federal regulation, let that be consolidated within one department.

11

The most important reason why a separate Department of Education will help our children is that it will help to assure the financial base our schools now so desperately need. Mr. Chairman, we must come to grips with the fact that local funding for education is at the saturation point—the people will put up with no more taxes. And not only is that funding base at the State and local level not expanding, recent court decisions give us reason to think that the funding base—property taxes in most instances—is inequitable and may be in need of total revision. In at least two States, for example, courts have ruled that it is wrong to have children in the same State have grossly unequal educations and educational opportunities because they happen to live in different neighborhoods.

Mr. Chairman, in my State of Tennessee, we are faced every single year with a lack of funds to provide a quality education for every child. This is not because of greedy teachers or poor management. Indeed, the teachers in my State have always been underpaid. The problem is simply that the State no longer can raise the money it needs. This is a problem that clearly calls for a Federal solution—more money, better planning, and better coordination. These immediate needs can only be met by assigning education a top priority in the Federal Government.

We have been shocked to see recent Presidents veto education bills because they felt spending money for this purpose was "inflationary." I believe that if there had been a Department of Education then, with a Cabinet Secretary to argue the needs of our children forcefully, we would not have seen the budget cuts start with education. The only thing inflationary about spending money on education is wasteful spending, and we will certainly witness less waste under a new Department than we have had with dozens of overlapping Federal agencies having jurisdiction in this area.

Mr. Chairman, your bill is a wise and much-needed step in our Nation's struggle to provide a good education for all of our children. We talk a lot in this country about equality of opportunity and equal rights. So long as we have substandard schools and inadequate education funding, all the talk in the world will not give a ghetto child equality of opportunity. This is a discrimination which will stay with the child the rest of his life, no matter how bright or ambitious he is. The present Federal approach is fragmented and only adds to the problem instead of to the solution. I urge immediate passage of this legislation and prompt approval by President Carter.

Chairman Ribicoff. Thank you very much.

[The full opening statements of Senator Percy, Senator Chiles, Senator Metcalf, and Senator Glenn follow:]

Opening Statement of Senator Charles H. Percy

I am very pleased that we are holding these hearings today and the rest of the week on the creation of a Department of Education. Although I am not a cosponsor of this legislation, I believe that it has sufficient merit to warrant a close examination by this Committee.

I am a strong proponent of a greater and more efficient Federal effort in the area of education. There is no question that the inadequate nature of the present 8.2 percent Federal share of elementary and secondary educational expenditures places an almost unbearable financial burden on the States and on taxpayers, particularly homeowners. There is no question, with Federal education-related programs scattered among twenty different agencies, that the Federal education effort is fragmented, confusing and inefficient. There is no question that the Department of Health, Education and Welfare is simply too large and needs to be restructured.

I am, however, not yet convinced that the creation of a Department of Education would satisfactorily solve these problems. There is no guarantee that a Department of Education would be able to effectively lobby, bureaucratically and before the Congress, for the increased Federal funding which our local school districts desperately need. Furthermore, some other mechanism for pulling together the disparate Federal education effort may be more efficient and less prone to bureaucratic inertia than the creation of a new cabinet-level department. For example, such a mechanism could be an expansion of the Office of Education within the Department of Health, Education and Welfare. Finally, regarding the restructuring of the Department of Health, Education and Welfare, divesting that Department of Education may not be as efficient or as necessary as divesting it of some other area of responsibility. Just such a recommendation has been made by my distinguished colleague, Senator Mathias, who has introduced legislation to create a Department of Health.

It is important that we examine all of the facets and ramifications of this legislation. For the sake of our nation's school children, we cannot afford to make a mistake.

OPENING STATEMENT OF SENATOR LAWTON CHILES

I am pleased to join with the Chairman, Senator Abe Ribicoff and 53 other Senators in co-sponsoring of S. 991, a bill to create a cabinet- level Department of Education.

Mr. Chairman, I applaud your leadership on this issue and I know that as a former Secretary of H.E.W. you know the problems that one person would have in trying to adequately present the needs of three very worthwhile programs.

Education is a full program all by itself. The education budget in H.E.W. is 10 billion dollars. A sum clearly large enough to warrant higher visibility and clout than the U.S. Office of Education expresses. However, the primary concern I have with the present system involves the tremendous fragmentation of education programs that is literally spread over the entire executive branch.

I am told that at last count more than 40 Federal departments, agencies and bureaus are administering their "own" education programs, in total over 130 of them. This "do-it-yourself" method can only lead to confusion, duplication and waste.

Education is simply too important a function to be dealt with on such a haphazard basis.

In addition to fragmentation across departments, there is a tremendous fragmentation within H.E.W. When we have over thirty separate programs intended to serve the disadvantaged, then a ridiculous number of signoffs is required for any one school or district that is trying to mount a reasonably balanced program. We find time and again that the requirements of one program undercut the goals of another. At the Budget and Appropriations Committees, on which I serve, we have been trying to develop a "mission budget" for education, so we can sort out the multitude of programs into a workable number of missions or goals. This will allow us to make funding decisions in a rational way. It will also give us some guidelines on how to reorganize education programs within a new department. If we can combine programs into a few major groups on the basis of their educational mission, then we can eliminate a lot of the multiple reviews and paperwork, and make the programs accountable for achieving the public's goals. If we find that the program is not meeting its mission goals, then we can change it or terminate it.

A person doesn't have to be a student of Federal government organization to realize that in the present government structure how we formulate federal education policy is seemingly held in much lower esteem than how we formulate transportation policy, or energy policy or business policy or foreign policy. The inference is that the American people consider education a secondary goal. I don't think the American people feel that way.

The placement of the education structure is important in terms of policy direction. We owe it to the millions of Americans who are involved in the education process to see that educational policy is decided at the highest level of government. I believe that most Americans, like the people of Florida, place the highest possible priority on quality education. I would also agree that this legislation is not going to be a "cure all" for the ills that afflict our education programs. There will still be heavy burdens placed on state and local governments to finance education programs, property owners will still carry the bulk of that taxation responsibility. However, I feel what we can do, we must, the creation of a separate Department of Education can lead to a more efficient and unified articulation of federal eduction policies.

The creation of a separate Department of Education can lead to the streamlining and consolidation of program policies and goals.

As this legislation moves forward for more detailed study by the Congress, I am sure that some necessary changes will be made in the bill. I know that this committee would welcome constructive criticism of this legislation. However, I think it's important, Mr. Chairman that the Congress send a message to a concerned citizenry that a vital effort will be made to revamp an outmoded, anitquated system of dealing with educational concerns at the Federal level.

I would certainly be remiss if I did not mention the fine work of past H.E.W. secretaries in trying to cope with what must be a management nightmare at H.E.W. I simply believe that Congress had added so many "straws" to the "camel back" over there that it's a miracle that the whole agency hasn't broken down.

Further, as I've said before, it's simply unrealistic to ask one cabinet official to speak for all the needs, articulate all the wishes, and be a public advocate for the varied, necessary programs in H.E.W.

In my mind, I fail to see how a single cabinet official who is properly concerned about the problems of health care, social security, welfare reform and other significant public issues can give also proper concern to the great needs and great demands of education. I'm not even sure that the best interest of the country are best served by the present system.

Finally, Mr. Chairman, the great need for a policy-making focal point in the executive branch will be helpful for everyone who wants to advance the cause of education.

OPENING STATEMENT OF SENATOR LEE METCALF

Quality education is the cornerstone of the American dream of equality of opportunity. Every child should have the opportunity to develop to the maximum of his intellectual capacity. Ralph McGill in his book, "Education: The Key To The Future" said, "We cannot, anymore than past generations, see the face of the future. But we know that written across it is the word education."

Education is one of our biggest businesses, it involves the expenditure at local, state and federal levels of more than 120 billion dollars. Today with a burgeoning of federal programs there is a special urgency for reappraisal and change in educational policies at the federal level.

I was first elected to the 83rd Congress as a member of the House of Representatives. My first committee assignment was the House Committee on Education and Labor. I have had a special concern for educational programs and policies during my entire congressional career.

In that 83rd Congress, in 1953, President Eisenhower sent up a message recommending the adoption of a Reorganization Plan creating as a new cabinet office the Department of Health, Education and Welfare. Several of us on the Education Committee under the leadership of Representative Carl Perkins, who is now the Chairman of the committee, tried to split the two departments and create a separate Department of Education.

In the way the reorganization plan was submitted it was impossible to do so. At least in race track parlance we did get a call in the naming of the new Department and there was some upgrading in the Office of Education.

Even in 1953 the idea of a Department of Education was not new. In 1923 President Harding recommended the creation of a Department of Education and Welfare to include Health. The Harding recommendation was renewed in 1924 by a Joint Committee on Reeorganization. I mention this suggestion because when I was in my third year of high school in Stevensville, Montana, the subject for high school debate in Montana was—Resolved: There should be a Department of Education in the President's Cabinet. Debate teams had to prepare both for the negative and affirmative and we drew lots to determine which side we would take. But as I recall I became convinced even that long ago that there should be a Cabinet office of Education.

In 1953 when President Eisenhower's Reorganization Plan resulted in the establishment of the Department of Health, Education and Welfare there was not nearly as many educational programs at the federal level as we now have. Except for the statistical and data gathering service of the Office of Education the principal federal program was impacted aid. Today there are literally scores of additional educational programs which should be administered under a separate agency.

In the last two decades the incredible explosion of knowledge has been overwhelming. Our discoveries about the sociological differences and varieties in the learning process and the rapid changes in our society have given birth to many federal programs designed to fit these changing needs.

We talk about direct grants, categorical grants. We have disputes about fundamental and progressive education. Why Johnny Can't Read and why Susie can't add. Still our educational process, our courses of study, and our basic policies are determined at local and state levels.

Nevertheless our expanding federal assistance makes it more imperative than ever that there be coordination of our federal role. No one knows better than our Chairman, the Senator from Connecticut, a former Secretary of Health, Education and Welfare, the urgent need for the creation of a separate Department of Education. And the federal presence has increased many fold in the years since he was the head of the Department of Health, Education and Welfare. If there was good reason for President Harding to recommend a separate Department of Education in 1923 there are scores of reasons today. A half century ago I was advocating the creation of such a department on the high school debate circuit. Now 50 years later it looks as if I am going to get to vote for such a bill and approve it. It is long overdue.

Opening Statement of Senator John Glenn

I am pleased to be here this morning to receive testimony from such a distinguished group of witnesses. I certainly recognize and am aware of the gravity of the educational situation that we face today. On the local level, declining enrollments have been accompanied by higher costs and increased taxpayer resistance to school financing. We have experienced the devastation and disruption of education wrought by the energy crisis. The problems of school desegregation are still very much with us, often manifesting themselves in complex and interrelated ways involving housing, employment opportunity and more. Of course, there is the major issue of educational quality. There is increasing evidence in test scores and from employers that many of our students are totally deficient in fundamental basic educational skills. Institutions of higher education have not escaped this crisis in education. The same problems previously described, enrollments, costs, admissions practices, skills development and more, impact upon colleges and universities in much the same way.

Today's fundamental question, then must be, will the creation of a separate Department of Education somehow facilitate the solving of these educational problems? If so, why? If not, why not? Clearly, as its proponents argue, there is a strong case for some form of educational consolidation. HEW in 1978 will spend an estimated $162 billion to administer over 300 programs. Its Education Division budget will be roughly $9½ billion for 126 programs, larger than the budget of for Interior, Commerce, Justice, and State and close to the estimated budget of the new Department of Energy. The HEW education expenditures are not all inclusive. Indeed, some 130 other Federal education programs are scattered throughout over 37 other Federal agencies. So, there is a very strong argument for S. 991, which would bring all of these educational programs under one roof and providing them with sufficient attention and stature as well as gaining an overall grip on them. We surely need to do this in the areas of student aid, Title I programs, emergency school aid assistance to name only a few.

However, Mr. Chairman, I remain wary of describing this as a panacea. Too often, I think, we have made education the scapegoat for many of society's and our own failures to come to grips with other serious issues such as housing, discrimination, unemployment, antiquated local tax systems, and so on. S. 991 might help us focus more clearly on these problems but it won't be a solve-all.

Finally, Mr. Chairman, I am very anxious to hear an official, substantive Administration position on this bill. I hope that in this effort we can move beyond the tired, old "turf" arguments of bureaucrats seeking to preserve position and influence to the more basic and fundamental question of whether a separate Department of Education will help us formulate a sound, coherent, and efficient national educational policy. This is an historic bill in the history of American education and I commend you for pressing ahead with it. I look forward to receiving testimony.

Chairman RIBICOFF. Senator Pell, and Senator Bellmon, could we have the privilege of you taking the front table- We want to be much closer to you, Senator Domenici.

I don't know of any group of Senators who are more important in the field of education than the three men before us today. Certainly, Senator Pell, as chairman of the Education, Arts, and Humanities Subcommittee of the Human Resources Committee, is the Senate leader in the field of education. He has had outstanding success with education programs during his service in the Senate and they need his continued leadership.

Senator Bellmon, of course, with the important role he has in the Budget Committee is also aware of the problems. He has correlated education and the authorization of programs with the money needed to support these programs. Senator Domenici, when it comes to human concerns, has always been at the forefront.

The three of you come from different sections of the country. You have diverse constituencies, so your thinking and experience are certainly important not only for the committee, but I believe for the country as a whole.

Senator Pell, Senator Bellmon, and Senator Domenici, we are grateful to the three of you for giving us the benefit of your views.

Senator PERCY. Mr. Chairman, I have already mentioned Senator Bellmon. Senators Pell and Domenici, I do want to thank you also for appearing before us. I wish to assure you that the chairman, myself, and other members of the committee will assign the very highest priority to this issue. I again commend the chairman for calling these hearings, the first hearings in 20 years to consider this issue. We certainly will give it very expeditious consideration after we have had a chance to hear all viewpoints, but we could not have had a more distinguished panel to start us off.

A PANEL OF U.S. SENATORS CONSISTING OF HON. CLAIBORNE PELL FROM RHODE ISLAND, HON. PETE V. DOMENICI FROM NEW MEXICO, AND HON. HENRY BELLMON FROM OKLAHOMA

Senator PELL. Thank you very much, Mr. Chairman.

I would add whatever good work I have been able to do has been done with the ranking minority member of the full committee on Human Resources, Senator Javits. We have worked together for all of the years I have been chairman of the subcommittee.

I am very glad to appear with you today in support of S. 991, to create a Cabinet level Department of Education. We have talked often on the subject, Mr. Chairman, and as you have suggested, I have long supported such an idea. I am glad to be an original cosponsor. The present budget of HEW was $128 billion in fiscal 1976. In fiscal 1978, it will go up to $162 billion, and there is nobody who knows more than you, Mr. Chairman, of the unmanageability and complexity and magnitude of that Department's operation.

The Education Division alone has a budget of $9.1 billion, more than the budget of four Cabinet agencies, yet this Division, made up of the offices of the Assistant Secretary of Education, Office of Education, and the National Institute of Education would be only a part of the Department of Education as envisioned in S. 991.

I would add in this regard, that in the legislation we drafted for these last 6 or 8 years, I have always made an endeavor to try to have it written in such a form that when, I no longer say "if", but when the Department of Education is created it could be spun off with minimum complexity. I think when the decision is made to go ahead, you will find that the general structure of the Department is such that it can be set up with comparative ease. In addition to the areas of education in HEW that are presently there, the bill before the committee would transfer to the new Department HEW's Head Start program, and the education directorate of the National Science Foundation, along with the school lunch programs, the overseas dependent schools, Indian education, and college housing programs.

In addition, the National Endowments on the Arts and Humanities would be incorporated in the new Department.

In this regard, having been chairman of that subcommittee, and now being chairman of a single Subcommittee on Education, Arts, and Humanities, I would emphasize my own view, that it is very important that the arts and humanities be grafted onto the tree of education. This is true not only from the viewpoint of the youngsters getting educated, but as we move ahead through the years we will find more and more adults going in for continuing education. It will be even more interesting in seeing the windows of the arts and the humanities open for them to enjoy and be a part of. I would hope we could keep to that. I recognize in the arts and humanities endowments, there is opposition to this idea. The individuals who have or will be chairmen of these groups do not agree with us in this regard, but I would hope that this view would prevail and that we would get them all under one umbrella.

I have long sought close linkages in general between the education system and those activities funded by the endowment. We have the Museum Services Act being operated by the Department of HEW at this time.

There are a number of additional reasons why I support a Department of Education. Current educational efforts are fragmented among a whole slew of agencies with no mechanism to coordinate their provisions, or to measure their impact on States, school districts, and institutions.

Second, funds for education are artifically kept down by the very structure of HEW because, as you know, more than 90 percent of HEW's budget is actually uncontrollable, meaning social security and medicare costs creep up annually.

There is no way of limiting them, given the type of overall budget limitations, and as we have experienced in the last decade, the controlled portion, which includes the education program, would undoubtedly suffer. Cabinet-level representation would allow education to be judged on its own merits rather than in competition with the other domestic programs with scarce dollars. It would also provide for direct access to the President. Third, education is vital to our Nation's health. More than 65 million people are involved in education enterprises, nearly 1 in every 3 of our people. Surely, an "industry" of this size and scope deserves Cabinet rank.

17

Finally, I would support a Department of Education because President Carter made a very firm commitment in this regard in his campaign. I recognize that opposition to the idea has surfaced within the administration. The present Secretary of HEW, who is doing a fine job of administration, would not, as he moves into the job, like to see his Department divided. But I do believe the position taken by the President during the campaign should be upheld at this time. I would hope a restudy would result in a recommitment to a Department of Education.

I would like very much to congratulate the chairman of this committee for holding these hearings.

Since he is a former Secretary of HEW, now conducting these hearings, I would think the final result would be about as good a piece of legislation that could be made.

Chairman RIBICOFF. Thank you very much, Senator Pell.

Senator Bellmon?

Senator BELLMON. I would like to begin by congratulating you, and thanking you for holding hearings on S. 991.

In my opinion, the creation of a new Department of Education is a highly important matter, and clearly deserves the full attention of the Congress.

I appreciate the opportunity to offer brief remarks concerning S. 991, the bill to establish a separate Department of Education. My view is that this is significant legislation which is necessary in order to reverse the present neglect of educational policy and program matters, to consolidate under one roof Federal education activities now scattered among several agencies and to revitalize the important relationships between Federal and State education officials. It is a move which President Carter has promised but has not yet taken, and it is fitting that the Senate should undertake its own initiative. The establishment of a separate Department of Education is solidly supported by the educational community in Oklahoma and elsewhere.

I believe that it makes a good deal of sense at this time to draw together in one structure all education functions. We have scattered our efforts unwisely. Within the DHEW organization, we have given priority consideration to problems of welfare and health, thereby allowing education to stagnate. We are presently undergoing a critical reexamination of the role of education in this country, yet we do not have an appropriate vehicle for the development and implementation of new directions. We have serious and deteriorating problems of relationship between State and Federal roles, and we need to halt the pronounced sense of drift which has become apparent in the U.S. Office of Education.

S. 991, proposes to bring together in one organization the educational functions administered by USOE, and by other Federal agencies, so that they may be more effectively organized and implemented. There is one caution I wish to offer the committee as it studies this proposal. The creation of a separate Department of Education must not become an opportunity for bureaucratic self-aggrandizement. There is no reason to expand the bureaucratic workforce in order to demonstrate administrative effectiveness and equal importance with other departments.

We have sufficient resources to give the education mission greater impact. In the version of this bill which the committee finally reports, I hope that restraints upon the growth of bureaucracy are clear. Without such safeguards, it would be easy for agencies surrendering functions to retain vacant job slots for subsequent use. If past experience is any guide, the danger of creating new but unessential positions is real. We must avoid duplicating the obstructions to action which the present DHEW superstructure provides.

Establishment of a separate Department of Education would prevent many of the administrative problems which have resulted from the consolidation mandated by Public Law 93–380. This consolidation combined titles II, III, and V of ESEA, title III of NDEA, the nutrition and health program, and the dropout prevention program into a new title IV. It became law in August 1974. Today, more than 3 years later, USOE has not yet reorganized itself fully to deal with that consolidation, even though the States have had to restructure themselves. Within USOE the newly created Division of State Educational Assistance Programs has yet to be staffed.

Mr. Chairman, I cite this example because it demonstrates how administrative organization at the Federal level can impede legislative intent. It is of particular concern to me because S. 1780, the Optional Educational Simplification Act, which was introduced by Senator Domenici, myself, and others, would depend upon effective administration at the Federal level for part of its success.

Mr. Chairman, those of us who are concerned about improving the state of education in this country owe the authors of S. 991 and the members of this committee a vote of thanks for taking the initiative to move the issue of reorganization to a conclusion. Your efforts are appreciated and they promise to yield much that is of benefit to educators and to the general public.

As a member of the Senate Budget and Appropriations Committees, it is my opinion that a new Department of Education, dealing only with educational matters can speak much more effectively in securing adequate funding for education than is now the case when we receive testimony from the Department of Health, Education, and Welfare on a broad range of programs, which the Department presently administers. I feel the financial needs of education would be much better met if we had testimony from groups concerned only with those functions.

Chairman RIBICOFF. Thank you very much, Senator Bellmon. The examples you give point up the dilemma of passing important programs, and then not having the organization to properly carry them out.

Organization is often policy, you can have the best ideas, and the best intent, but if you have no way of implementing or supplementing them, your ideas and intentions just collapse, and the examples you give concerning 3 years have gone by. The States have taken their own action to try to come within the umbrella of the legislation, and yet the agency that has the responsibility has done nothing to bring them under its umbrella.

Senator Domenici?

Senator DOMENICI. I have a prepared statement, and ask it be made a part of the record.

Chairman RIBICOFF. Without objection, it will be inserted at the end of your testimony.

Senator DOMENICI. Mr. Chairman, let me talk with the committee about the new Secretary of Education from a different perspective, if I might.

The total expenditures for education from all sources in this country is $120.1 billion. That is fully 8 percent of the gross national product.

In our country we hear a lot about our $101 billion defense budget. That is about 5½ percent of the gross national product.

When the Secretary of Defense comes to talk to a committee, he is the man representing the policy, the defense posture of this country. He comes here and everybody joins around. They want to hear what the President, the executive branch of Government has to say about defense. He comes here as Secretary for Defense, as a spokesman for Defense. One other example. Whether we approve or disapprove of what Secretary Butz did as Secretary of Agriculture, it was known across the country that he was definitely a Secretary for Agriculture.

Now, we, Claiborne Pell, Henry Bellmon, and Pete Domenici, might disagree on how the Federal Government ought to impact with its resources in education. One may like categorical grants, one may like the resources directed in another way, but I think we are here because we would hope that, through this reorganization, we may get a spokesman for education at the national level. We are not going to get that, Mr. Chairman, under the present arrangement. As dedicated as a Secretary of HEW is, or might be, and certainly Secretary Califano is dedicated, when he has all of the major American problems which are to speak to, it is very difficult for him to be the Secretary for Education.

I believe it is sheer folly to assume that the problems of education in this country are not equally as important as the problems of agriculture, equally as important as the problems of defense.

Through these various Secretaries, we have spokesmen for agriculture and for defense. It seems to me that if this committee is satisfied, that a management reorganization can set in motion something structurally sound and efficient, and without added expenditures, then it makes eminent sense to have at the national level a policy spokesman for education.

Now, that does not mean we have to double the expenditure of the National Government, because we have a spokesman. Obviously we are going through a tremendous change in times in education. What do we want? What is the Federal role? To have the Federal Government with spokesmen for a number of the other concerns, to have it in all of these other fields, and not to have it in education is to have a headless horseman. So, it appears to me from the standpoint of emphasis, from the standpoint of impact, from the standpoint of giving it the attention, a secretary for education is a must. I think back, who do we think of in defense, the Mel Laird's, Dr. Kissinger's? I ask, who do we think about nationally when we speak about a national concern for education? Try as they do, and as dedicated as they are, the Secretaries of HEW will not come across. It will only be an accident rather than an expected event for them to be the education spokesmen in the country. I emphasize that aspect because I think we will get a dynamic, farsighted person as the spokesman for education, more times than not, if he is the Secretary for Education. I think that is very important from the standpoint of where we are going to end up in education.

Thank you.

Chairman RIBICOFF. I just wanted to highlight the point you made. I have the highest respect and affection for Secretary Califano, but since he has been Secretary, he has not made one major speech, or one major statement on education. He is busy. There is no man busier than the Secretary of HEW, but it is an indication that has been continuous over all of these years of the subordinate role played by the Secretary in matters of education. This is the point you make, Senator Domenici, and another point I would make, in all of the years I have been in the Senate, I have never seen a cosponsorship that is made up, like this one, of every section of the country, every type of political philosophy, equally divided between Democrats and Republicans on a bipartisan basis. This indicates an overall concern across the Nation for education—what it means to Senators in individual States, and what the role of the Federal Government should be.

Senator Javits?

Senator JAVITS. I will just take 1 minute.

I would like to express my pleasure to my colleagues. I hope they will forgive me if I go to the floor. To express to Senator Pell my lifelong, almost, friendship and gratitude for his kind words, and to note, Mr. Chairman, how accurately our colleagues have pinpointed the major issues.

Senator Pell noted the fundamental reason for education and our national concern, Senator Bellmon points out that the organizational structure does not apparently respond well as it is now set up, and Senator Domenici's comment that education needs a voice, that we don't have it.

I thank you very much, and I am very pleased to see the expertise which you have brought to this problem.

Chairman RIBICOFF. Thank you, Senator Javits.

Senator Sasser?

Senator SASSER. No questions.

Chairman RIBICOFF. Senator Heinz?

Senator HEINZ. Thank you, Mr. Chairman.

I want to commend our witnesses, and as one of the original sponsors of S. 991, I am especially pleased by the leadership you have shown in scheduling and conducting these hearings. Leadership is precisely the quality we need in greater abundance as we seek to make the Federal role in the educational process more effective and more productive. Because I believe that a separate Department of Education can help provide that leadership, and because I believe that a separate Department of Education will help the Federal Government to give education the attention it deserves and requires, I hope that S. 991 will be enacted by the 95th Congress.

I have talked with many parents in Pennsylvania who are deeply concerned about the educational system. They are concerned about the direction in which they see our schools going. They have lost confidence in the ability of our schools to train our children for the challenges of the future and the demands of adult life. Too often, these parents do not find the support they need from the Federal Government in their efforts to change things for the better. Too often, they only find a complex and complicated bureaucracy that is unable to provide leadership because it is submerged in other, equally difficult problems.

There is no doubt that the problems we face in education today are important enough and challenging enough to require a separate entity to focus our attention on seeking effective solutions. Even if the Federal role in the educational process were to remain at its current level, there is no doubt that the size of the Federal commitment requires our best efforts to manage this investment wisely and well. In the constant competition for a part of the budgetary pie and for the attention of our Nation's policymakers, there is no doubt that education needs spokespersons who can more effectively plead its case and help restore education as one of this Nation's highest priorities.

Essential to attaining this goal is the establishment of a Secretary of Education who will be a Secretary for education.

For me, the important question is not whether to have a separate Department of Education—because the need is clear—but simply how this new Department can be best organized to serve the 66 million Americans whose lives are directly affected by the educational process.

During the course of these hearings, I look forward to exploring this question with the expert witness who will be before us.

I simply want, also, to say as the gentlemen, Senator Bellmon, Senator Pell, Senator Domenici have said, that a Cabinet-level department for education is the only way we are ever going to be able to focus on the many great challenges of education, whether it is child development, which has fallen into a cubbyhole that has collected dust, and has fallen into total disuse, whether it is some kind of forceful reorientation of our ESEA program, whether it is a question as Senator Domenici indicated of continuing the way we have gone, or to go toward a more consolidated process. These are only a few of the issues in terms of both mission and, on the other hand, issues involving organizational structure that have been postponed by successive Secretaries of HEW because something else is always more important down there

Secretary Califano is no exception. It takes nothing away from him to say that he has to worry about the welfare programs. He has to worry about the health programs, and I think with the enactment of S. 991, that, as I hope it will be enacted, that we will make great progress on these fronts. I want to thank you, Mr. Chairman, and commend the committee for moving so expeditiously on this legislation.

Chairman Ribicoff. Senator Metcalf?

Senator Metcalf. I have no questions.

Chairman Ribicoff. Senator Chiles.

Senator Chiles. Mr. Chairman, I want to congratulate you for introducing this legislation. I am delighted at being a cosponsor of S. 991. I think our leadoff panel certainly has set a proper tone. When I began to realize the number of signoffs that we required, both the Congress and HEW for any kind of matter in education, for educational matters then I began to understand the problem. The present system just does not work any more, and you can say what you want to about the theory of having all of these resources together, we know as we have seen it try to operate over the years, it is just getting lost in the shuffle. That decisions cannot be made, and nothing can be implemented, and I think it is time to move forward with this legislation and I am delighted to have all of you here.

Chairman Ribicoff. Thank you all. I think we have a tough road ahead. I know the administration is looking at this entire problem.

I don't know where they are going, but from my point of view, I don't think U.S. Senators always have to wait for a decision by the President.

I think we have an obligation to take our own initiatve, and I think the matter is important.

We would like the support of the President, but if we cannot have it, and we think in the U.S. Senate it is right, we have to take our own initiative.

We are legislators after all. I thank you very much for your valuable contribution.

[The prepared statements of Senator Pell, Senator Bellmon, and Senator Domenici follow:]

PREPARED STATEMENT OF SENATOR CLAIBORNE PELL

Mr. Chairman, I am pleased to appear before you today in support of S. 991, which would create a Cabinet-level Department of Education. I have long supported such an upgrading of the status of education within our Federal structure, and am honored to be an original cosponsor of the legislation before this Committee.

The Department of Health, Education, and Welfare spent more than $128 billion for more than 300 programs in fiscal year 1976. Its spending for fiscal year 1978 is expected to be $162 billion, a $34 billion increase within a two-year period. As a former Secretary of HEW, the Chairman is undoubtedly more familiar than I with the unmanageability of an enterprise of such magnitude.

The Education Division alone has a budget of $9.1 billion, more than the budgets of four Cabinet agencies. Yet this Division, made up of the Office of the Assistant Secretary for Education, the Office of Education, and the National Institute of Education, would be only a part of the Department of Education, as proposed in S. 991.

The bill before the Committee would transfer to the new Department HEW's Headstart program and the Education Directorate of the National Science Foundation, along with school lunch programs, overseas dependents' schools, Indian education, and college housing programs. In addition, the National Endowments on the Arts and Humanities would be incorporated into the new Department. While I am aware that there is some opposition to the inclusion of the Endowments in an Education Department, I believe that such a move would be in the best interests of both education and the arts and humanities. I have long sought closer linkages between our educational system and the kinds of activities funded by the Endowments. As man's leisure time increases, it will be the job of education to provide an understanding of great literature or great music so that individuals can continue to grow and develop. I believe that the safeguards written into S. 991 assure continuation of the Endowment's autonomy within the Departmental structure.

There are a number of reasons that I support a Department of Education:

Current educational efforts are fragmented among a number of Federal agencies, with no mechanism to coordinate their provisions or measure their impact on States, school districts, or institutions. A Department of Education would provide the necessary focus.

Funds for education are artificially kept down by the structure of HEW. More than 90 percent of HEW's budget is "uncontrollable," meaning that Social Security or Medicare costs creep up annually and there is no way of limiting them. Given tight budget situations, such as domestic programs have experienced for the last decade, "controllable" education programs suffer. Cabinet-level representation would allow education to be judged on its own merits, rather than in competition with other domestic programs for scarce dollars. It would also provide for direct access to the President.

Education is vital to our Nation's health. More than 65 million people are involved in our educational enterprise, nearly one out of every three citizens. Surely an "industry" of this size and scope deserves Cabinet rank.

Finally, I support a Department of Education because President Carter has voiced his support for such an agency. I recognize that opposition to the idea has surfaced within the Administration, and that the unequivocal position taken by the President during the campaign is being restudied by Administration task forces. I would hope that this restudy results in a recommitment to a Department of Education.

I wish to congratulate the Chairman of this Committee for holding these hearings on S. 991, for I believe that now is the time to get started on the creation of a Department of Education. The job is too important to wait any longer.

PREPARED STATEMENT OF SENATOR HENRY BELLMON

Mr. Chairman, I appreciate the opportunity to offer brief remarks concerning S. 991, the bill to establish a separate Department of Education. My view is that this is significant legislation which is necessary in order to reverse the present neglect of educational policy and program matters, to consolidate Federal education activities now scattered among several agencies under one roof, and to revitalize the important relationships between Federal and State education officials. It is a move which President Carter has promised but has not yet taken, and it is fitting that the Senate should undertake its own initiative. The establishment of a separate Department of Education is solidly supported by the educational community in Oklahoma and elsewhere.

I believe that it makes a good deal of sense at this time to draw together in one structure all education functions. We have scattered our efforts unwisely. Within the DHEW organization, we have given priority consideration to problems of welfare and health, thereby allowing education to stagnate. We are presently undergoing a critical re-examination of the role of education in this country, yet we do not have an appropriate vehicle for the development and implementation of new directions. We have serious and deteriorating problems of relationship between State and Federal roles, and we need to halt the pronounced sense of drift which has become apparent in the U.S. Office of Education.

As I understand S. 991, it proposes to bring together in one organization the educational functions administered by U.S.O.E. and by other Federal agencies so that they may be more effectively organized and implemented. There is one caution I wish to offer the Committee as it studies this proposal. The creation of a separate Department of Education must not become an opportunity for bureaucratic self-aggrandizement. There is no reason to expand the bureaucratic workforce in order to demonstrate administrative effectiveness and equal importance with other departments. We have sufficient resources at work in the education function at the Federal level; what we need to do is to consolidate, motivate, and energize these resources to give the education mission greater impact. In the version of this bill which the Committee finally reports, I hope that restraints upon the growth of bureaucracy are clear. Without such safeguards, it would be easy for agencies surrendering functions to retain vacant job slots for subsequent use. If past experience is any guide, the danger of creating new but unessential positions is real. We must avoid duplicating the obstructions to action which the present DHEW superstructure provides.

Establishment of a separate Department of Education would prevent many of the administrative problems which have resulted from the consolidation mandated by Public Law 93-380. This consolidation combined Titles II, III, and V of ESEA, Title III of NDEA, the Nutrition and Health Program, and the Drop-Out Prevention Program into a new Title IV. It became law in August, 1974. Today, more than three years later, U.S.O.E. has not yet re-organized itself fully to deal with that consolidation, even though the States have had to re-structure themselves. Within U.S.O.E. the newly-created Division of State Educational Assistance Programs has yet to be staffed.

Mr. Chairman, I cite this example because it demonstrates how administrative organization at the Federal level can impede legislative intent. It is of particular concern to me because S. 1780, the "Optional Educational Simplification Act", which was introduced by Senator Domenici, myself, and others, would depend upon effective administration at the Federal level for part of its success.

Mr. Chairman, those of us who are concerned about improving the state of education in this country owe the authors of S. 991 and the members of this Committee a vote of thanks for taking the initiative to move the issue of reorganization to a conclusion. Your efforts are appreciated and they promise to yield much that is of benefit to educators and to the general public.

PREPARED STATEMENT OF SENATOR PETE V. DOMENICI

Mr. Chairman, I appreciate this opportunity to testify before the Committee on Governmental Affairs concerning a separate cabinet level Department of Education. The Department of *Education Act of 1977*, S. 991, should receive high priority from the Congress and the administration. I commend the chairman for his leadership in this regard.

Free public education in this country as provided through combined local, State, and Federal effort is perhaps the single most important domestic program in the country. Total expenditures for education from all sources of $120.1 billion accounted for 8 percent of the total gross national product (GNP) of this country in fiscal year 1976. This compares to the 5½ percent of GNP accounted for by all defense spending, the 3½ percent of GNP spent by all levels of government on health and medical care, and the 3 percent of GNP accounted for by welfare. Education accounts for approximately ¼ of all government spending from combined Federal, State and local sources.

Thus, education is a major enterprise in this country. It is built around complex relationships between local, State, and Federal roles. While basic education programs are primarily a State and local responsibility, the Federal Government has a major policy role in higher education, vocational education, and elementary and secondary education. Federal policy has been primarily aimed at providing support for students whose education costs more than the average per pupil expenditure such as handicapped, bilingual, and educationally and economically disadvantaged children.

Unfortunately, the Federal role in these and other areas has been hampered by the lack of priority accorded to education within the bureaucratic structure of the executive branch.

Education currently resides in the same Department of Government responsible for social security reform, welfare reform, and creating National Health Insurance. Attention to education policy obviously has a low place on the totem pole in HEW. One Department simply cannot be responsible for so many areas.

I believe that the Department of Health, Education and Welfare has been remiss in its education dealing with the Congress and with the clients it purports to serve—the local and State education agencies of this country and the children these entities represent. Education has not received in the past and is not now receiving within HEW the consideration which must surely be given to an endeavor as important socially and economically as education.

A reorganization which recognizes the importance of education in our country is desperately needed. In addition, a Secretary of Education to carefully consider Federal education policy and its interrelationships to State and local policies is a must if we are ever to make sense of the current unmanageable state of education programs.

Education must be reorganized at the Federal level, and services provided by Federal education programs need to be reorganized at the State and local level. S. 991 will accomplish the reorganization at the Federal level. Reorganization of service at the State and local level might then be accomplished through passage of the Optional Simplification Act which Senator Bellmon and I have proposed and which is currently being considered by the Education Subcommittee chaired by Senator Pell.

Mr. Chairman, I am an advocate of education. I believe our children are the greatest resource of this country. Just as individual children need attention from their parents and teachers, so education needs priority attention from the Federal Government. I believe the Congress should establish that priority by creating a separate Department of Education.

Chairman RIBICOFF. The next panel is James A. Farmer, executive director, Coalition of American Public Employees; Carl Marburger, senior associate, National Committee for Citizens in Education; and Winfield Kelly, county executive, Prince Georges County, Md.

We are most appreciative, gentlemen, that you have taken your valuable time to come here and give us the benefit of your views.

Mr. Farmer, it is always good to see you. You always have a valuable contribution to make regardless of the issue.

You may proceed as you wish.

TESTIMONY OF JAMES FARMER, EXECUTIVE DIRECTOR, COALITION OF AMERICAN PUBLIC EMPLOYEES; CARL MARBURGER, SENIOR ASSOCIATE, NATIONAL COMMITTEE FOR CITIZENS IN EDUCATION; AND WINFIELD KELLY, COUNTY EXECUTIVE, PRINCE GEORGES COUNTY, MD., A PANEL

Mr. FARMER. Thank you, Mr. Chairman, and members of the committee.

I am executive director of the Coalition of American Public Employees, but I am here today in a different guise. I might add parenthetically, I share one distinction with our distinguished chairman, having served at HEW, but at a much lower level. Yet I gained out of that position useful experience, and became firmly convinced that education would continue to receive short shrift in American society as long as it was buried in HEW, and that would be true no matter how dedicated or how competent the Secretary of HEW might be, or how well meaning because it had to run a kind of gauntlet with welfare and health, and the other agencies and interests of the Department.

Now, I have had other experiences, Mr. Chairman. A few years ago, the civil rights movement participation in which I shared with two other members of this Citizens Committee—Vernon Jordan and Coretta King—I learned a number of things. One is the capacity of our Nation for change, and the ability of the American people to absorb change, and absorb it gracefully. One sees those changes now. I learned also that not only are we moving into more complicated and difficult issues, but we are concerned with closing gaps, especially gaps in education. Not only between the disadvantaged and the advantaged, but also between the present educational level of the Nation and the excellence of which the Nation is capable.

It seems to me absolutely essential that there be one Department of Education with Cabinet rank in order to have, as some of the earlier speakers both from the committee and the Senate panel have said, a coordinated policy of education for the Nation, not to tell the States and the cities what to do, or how specifically to implement those policies, but to have a policy stressing the urgency and importance of raising our Nation to a level of educational excellence.

I speak today as cochairperson of the Citizens Committee for a Cabinet-level Department of Education, an honor I share with Grace Baisinger, president of the National Congress of Parents and Teachers, and Will Davis, president of the National School Boards Association.

The Citizens Committee came into being to demonstrate the broad support in all walks of society, both inside and outside the education community, for a Department of Education. The "big six" education organizations undertook the formation of a citizens committee composed of individuals and organizations who, though diverse, share a common belief that a Department of Education should be established. The Citizens Committee includes many prominent Americans—in business, in labor, in public service, in civil rights, the professions, and other endeavors.

While the Citizens Committee has great diversity, it has a common concern for the state of American education.

It seems to me that the bedrock purpose of education is to prepare our Nation's children for useful lives and for sound citizenship. By doing so we seek to make our Nation stronger, wiser, and—we hope—a bit more civil. I do not believe there is a more certain way of fostering our Nation's well-being. And most Americans share this belief, if measured only by the vast sums they willingly commit to support their State and local educational institutions. And I would judge the priority assigned to education by the status which education has in the structure of the Federal Government. That structure can be changed. I believe that now the majority of the American people who are cognizant of the issues would like to see it changed. Certainly that is true in the educational community. Many of those organizations are represented on this committee.

As a black American and as a father, I would like to cite one example of particular significance to me. Federal officials have talked for decades about quality and equality in education and the Congress has created program after program to help achieve these goals. But it is obvious that we have achieved precious little of either. Indeed, instead of achievement, we har more words from this agency or that, and while we listen, the diffusion of leadership and uncertain resolve become evident.

There are other—many other, problems yet to be resolved and most of them are beyond the control of States, or counties, or cities. So we look to our National Government for help and leadership.

Our Governors, for instance, have been told to look upon the Federal establishment as a resource, to expect sure help in such affairs as the education of kids who are the victims of physical, emotional, or social handicaps. But when our Governors do, all too often they find confusion, conflicting advice, and burdensome requirements, and their concerns become lost in the bureaucratic labyrinth.

Legislators in most of our States are struggling with the issues of equity in school finance, and they are doing this in a time of pernicious inflation. They too need more from Washington than a few Government newsletters and case studies.

Business and labor share major stakes in Federal education policies and actions. Business must have increasingly well-trained workers, and labor organizations are continuously seeking to improve the skills of their members. And once again, when they look to Washington they find fragmentation and halfhearted efforts.

But it is the parents and taxpayers who have most cause to be concerned—and who are least often heeded. They do not know anything about fancy funding formulas or about the complexities of title I of this or title IV of that, but they are painfully familiar with declining student achievement and rising property taxes. And in their anger and frustration, they tend to pick the nearest target—the local school and its budget.

I could continue this catalog of afflictions, but you, the members of this committee, are already familiar with most of them.

One singular evidence of Federal priorities is in how the Government structures itself. Structure acknowledges importance. Obviously, the production of food is important; thus a Department of Agriculture. Equity in the workplace is important; thus a Department of Labor. The encouragement of private business and industry is important; thus a Department of Commerce. And thus we have Defense and Housing and Transportation and Energy and the other Cabinet level departments.

By the measure of structure, the Federal Government is saying that it does not consider education and its profound effects on the Nation's social fabric as important as any of the above. This is a very peculiar comment on how we Americans pursue the premises on which our Nation was founded.

It is the conviction of the Citizens Committee that education is as fully vital as any activity the Federal Government could foster and protect. I might add that it is even more important today in view of the fact that we are trying to close the gaps to which I alluded previously, and if it was needed at any time, that time is now.

It is the conviction of the citizens committee that education is as has relied on to address education's deep-rooted problems has worked so imperfectly in the past, there is little likelihood that it will enjoy future success without substantial change.

The members of the Citizens Committee believe there must be new and clear evidence that the Federal Government understands that education is the glue of a just and civil society and is willing to commit its authority and resources accordingly.

Now. I am not simplistic, Mr. Chairman, and members of the committee. I have no illusions that a Cabinet level Department of Education will automatically solve the educational problems of our Nation, and that it will close the gap referred to earlier between the present level of education and the excellence of which we are capable. But I think it will be a kind of enabling action, of terrible importance to the Nation.

I must commend the chairman and this committee for recognizing the importance of education and the need for structural changes by holding these hearings and giving consideration to S. 991.

We believe that the creation of a Department of Education is requisite to this new beginning, therefore, Mr. Chairman, we wholeheartedly support its creation through the passage of S. 991.

I thank you.

Chairman Ribicoff. Thank you very much.

Dr. Marburger?

Dr. Marburger. Mr. Chairman, members of the Committee on Governmental Affairs.

I appreciate the opportunity to testify on S. 991.

I am Carl Marburger, senior associate of the National Committee for Citizens in Education, which is a national, nonprofit, advocacy organization, dedicated to helping parents and citizens become responsibly involved in improving the quality of public education.

The National Committee has 300 member organizations in its parents' network, that represents over 150,000 parents and citizens in 40 States. While these groups maintain their own identity, and pursue their own projects, we provide information, training, technical assistance and referral services. For parents and citizens we also publish a newspaper and maintain a toll-free hot line to handle questions and complaints.

As you may know, the National Committee was built on the excellent work of its predecessor group, the National Committee for the Support of the Public Schools, under the leadership of its chairperson, Mrs. Agnes Meyer.

My years in the profession as a teacher, administrator, director of compensatory education programs in Detroit, Assistant Commissioner for Education in the Bureau of Indian Affairs and as commissioner of education in New Jersey—all those experiences—lead me to the conclusion that, if education is to continue to be the key element in our Nation's progress, then it must have the same recognition and status as energy, transportation, housing and the host of other national priorities. The creation of a separate Department of Education with Cabinet status is, in my judgment, the mechanism best designed to provide that recognition.

You will be hearing from many others about the necessity for the establishment of a Cabinet-status Department of Education. I would like to speak to the issue from the perspective of a representative of parents and citizens.

Since 1973, in our contacts with citizen and parent organizatitons concerned with public education, we have concluded that lack of public confidence in our school systems is one of the most urgent educational issues of the decade. According to data from the National Center for Educational Statistics, the percentage of people with "hardly any" confidence in the people running education, has nearly doubled from 1973 to 1976 (from 8 percent to 15 percent). In 1975, 56 percent of all bond issues before the public were turned down. This decline in confidence is not unjustified. We are all too aware of the drop in the reading skills of high school graduates and the accelerating decline in the SAT scores.

In our view, it is no coincidence that the decline in public support parallels decreasing citizen and parent involvement. The literature abounds with studies on the erosion of lay control. We believe that active citizen participation is vital to the healthy functioning of democratic institutions and that school decisions for too long have been made increasingly by professionals and far from the public view. Public decisions affecting the lives of children should be open to public scrutiny. This view is not just populist ideology, it is practical politics. If people are involved in making the decisions that affect their lives, they will tend to support them.

Parents who participate in parent organizations, regardless of socioeconomic circumstances, are more likely to involve themselves in their children's education and to have a positive impact on their children's achievement in school.

The need to increase the responsiveness of the Federal Government, then, is clear, for under the present system of Federal support, public confidence in education will continue to decline and we will continue the have: weak and divided leadership; fragmented, scattered programs; unresponsive administration of programs; lack of clear, open and real access points for parents/citizens and students; lack Federal initiatives to inform and involve the real education constituency; uneven enforcement of existing citizen participation provisions in education law; and incoherent relationships between education and other social service programs.

And I am confident that the members of this committee agree that the present condition cannot continue.

On the whole, then, NCCE from its perspective concludes:

1. That a Department of Education with consolidated leadership and program administration, would provide a focal point for citizen concern and visible leadership to restore public confidence.

2. That there should be created, within the Department of Education, an Office of Citizen and Parent Concern, with these major functions:

To administer FERPA (Family Educational Rights and Privacy Act) and the Freedom of Information Act.

To monitor (evaluate and report on) enforcement of parent/citizen participation provisions now in Federal education law.

To mediate the concerns of parents and citizens organizations and Federal program administrators.

To recommend changes in administrative procedure to make it more responsive.

To report on the status of citizen participation in education to Congress.

This committee, by considering legislation to create the Cabinet-level Department of Education is providing an unprecedented opportunity for strengthening American education and the role parents and citizens should play in determining education policy.

In no place, however, does S991 treat of these urgent issues of parent/citizen participation and of flagging public confidence in public education.

Chairman RIBICOFF. Dr. Marburger, I thing you make a very good point there. I don't see how any educational program can succeed unless you have the very strong support of parents. An examination I think, of a successful school system anywhere in the country will show concerned and involved parents. Their involvement is important because education is having such a tough time and because it consumes the largest portion of almost every municipal budget in the country.

There is great resistance and it will take a lot of hard work and a lot of dedication. I like the point you make, and I can assure you that it will find its way into the legislation.

Dr. MARBURGER. Thank you, sir.

I think, indeed, that such a piece in the legislation, consideration of such a piece will come with the broad public support I think is essential if we are to have this legislation passed, and I am glad to have the opportunity to testify and applaud this committee for bringing it to the public.

Chairman RIBICOFF. Thank you very much.

Mr. Kelly?

Mr. KELLY. Mr. Chairman, I am pleased to be included amongst such a panel as this.

I would like to bring the perspective of local government. Senators Javits and Sasser both today touched on a major concern of the Nation today. If you read the Washington Post, you will see there is a political revolt over rising property taxes, and let me approach my concern from that point.

I am the executive of some 300,000 neighbors at Prince George's; which is contiguous with the Federal City. I am not an educator, but I am proving the quality of education has always been a top priority of my administration. About the administration of the business of education, we in Prince George's County are the 10th largest school system in these United States, and unlike some others across the country, our school system in Maryland is fiscally dependent.

I might add, I would hope that Senator Javits will have the opportunity to review this testimony. In Prince George's County, we have some 17,000 adult citizens continuing their education through our community college program.

We in Prince George's County have an average age in that program of some 28 years, and I am pleased with the "back to education" movement that is occurring in our jurisdiction.

Prince George's County, which most of you may know, is a mixed industrial and suburban community. We have a number of education programs. Because of large numbers of Federal employees who live in our jurisdiction, we receive impacted aid. We are heavily into Head Start programs, education for the disadvantaged, school luncheons, and many other programs. We hope this year to receive funds from some of the new energy legislation, to renovate some of our older plants.

I share with the other members of the Citizens Committee for the Department of Education's concern that we do not have at the national level, as said so many times here, far more eloquently than I can say, a real handle, a real direction to reach for in the field of education.

Education is too important to the future productivity of our Nation to be parceled out among various agencies with all of the lack of coordination and control and accountability that such fragmentation implies. When I have a question of concern about our programs funded in Prince George's County, I approach Superintendent Finney. I shudder to think if I would have to approach the Department of Social Services, the Health Department, the Department of Licenses and Permits, and the various other departments of Prince George's County to solve the problem. So I can see on the local level how important it is to reach the person that speaks for education.

The same thing occurs on the State level with Dr. Hornbeck. You can reach him on all matters pertaining to education within a State, a single person, a single advocate with this important pursuit.

You know, as I do, that accountability does not exist on the Federal level. For problems with title I, I could start with the Commissioner of Education. These programs are under his jurisdiction, but the question about school and nutrition programs, I have to go to the Department of Agriculture.

For Head Start, I probably have to deal with the Office of Child Development, an agency of HEW, which is not a part of the education division. As we move into competition for energy funds to bring conservation for our school facilities, I mentioned that a little bit earlier, I guess I better start making contacts with the new Department of Energy.

This structure or nonstructure does not make any sense to me. All of these programs should be administered by one agency, headed by someone who is in the Washington pecking order, at least as important as the Secretary of Commerce, and the Secretary of the Interior. I am not trying to minimize their importance, but I feel very strongly that the enterprise of education, which directly involves one-third of the Nation's total population, needs to be elevated, so that has the full stature it deserves in the Federal scheme of priorities.

We talked today, basically about a national issue. For a moment, let's think about the local implications of education. We in Prince George's County work very hard for our educational system. We provide out of our budget, out of our property tax revenues, 60 percent of our total budget for education. We are not complaining with that. We think it is very, very important. But I wonder what it would cost us if we had to move about through the bureaucracy that you have here in Washington to try to bring to our community, to our young people, quality of education.

I think our cost, our efficiency would be greatly increased on the one hand, and efficiently reduced on the other. The nonstructure as I see here does not make sense. All of the programs should be administered by one agency, again, headed by someone who has the right to speak for education.

I understand they certainly are not present here today, those opposed to the Cabinet level of education, on the grounds it needs to be totally addressed by coordinated activities by the Department of HEW. I can tell you in my view, there is no coordination at the national level.

Chairman **Ribicoff**. I think you make a very, very major point. There really is not—and those who argue against the Department, always use the same argument—a coordination of health, education and welfare.

As a former Secretary, and watching subsequent Secretaries, I don't know of a single Secretary that has ever been able to get that coordination to work. I think it is strange that we are the only Nation in the world, to my knowledge, that combines in one ministry, so to speak, health, education, and welfare. Every country, large and small, believes that each one of those functions are so important that they need and deserve a separate department of their own. Yet here in the United States with its size and its wealth, we place all of these together. In addition, this department, is going to expand to include all of welfare reform one of these days. We will have it. You will have some form of health insurance down the line in a few years, and that will make that department so complex and so much bigger, that education, indeed, will be lost in the shuffle if we don't have a separate Department of Education. From practical experience in dealing with education as a public official, your point has great meaning and makes a lot of commonsense, Mr.Kelly.

Mr. **Kelly**. Mr. Chairman, I don't know how the political and legislative leaders in my jurisdiction could function if I had a similar bureaucracy to work through. How could I tell the people in my jurisdiction, "I cannot resolve the problem because there are a number of agencies that have current jurisdiction over this particular problem." There must be a single source.

In our jurisdiction, when there were county commissioners, perhaps in some of the Southern States, the county form of government is still prevalent. There has been a movement toward the new breed that puts responsibility in one person, and I think we are looking basically in this same direction with this new Secretary.

I guess I could sum up, Mr. Chairman, by saying that I observed the delivery of the Federal education programs, as I looked and as I listened to testimony here this morning. I am more and more convinced of the need to establish this Cabinet Department of Education. I commend you, sir, and those who have taken the time to conduct these hearings, and again, I bring to your consideration the importance on the grassroots level, continuing the quality of education that is so important for the stability and progress of this great Nation.

Chairman RIBICOFF. Thank you. Gentlemen, you represent the citizens committee. Your committee seems to represent a wide range of groups involved in almost every segment of American life. I am curious, do you believe that you and these groups can speak for the children, parents, and teachers, with their concern for education and taxes? Do you think you speak for the people of this country?

Mr. KELLY. Mr. Chairman, since the last should be first, and the first shall be last, I can tell you I do speak for the citizens of Prince George's County, whose No. 1 concern and continuing priority, even to the point of burdensome property taxes, is a move toward more concerted effort by the Federal Government in improving the quality of education at the local level.

Chairman RIBICOFF. How many students are there?

Mr. KELLY. There are 138,000 this year in our jurisdiction—we are the 10th largest school district in the United States.

Mr. FARMER. I speak only for the Coalition of American Public Employees, which represents six major organizations of public employees including the National Education Association—NEA—American Federation of State, County and Municipal Employees—AFSCME—the American Nursing Association, National Association of Social Workers, Physicians' National Housestaff Association, which is the organization of interns and resident physicians in public and nonprofit hospitals, National Treasury Employees Union, and all of these organizations in our coalition support the formation of a Department of Education.

Chairman RIBICOFF. Dr. Marburger, I notice by your biographical sketch that you started off as an elementary school teacher, and ended up as a commissioner of the Department of Education of the State of New Jersey. Do you think you just speak for the top leadership, or do you think you represent the thinking of parents, teachers, and students?

Dr. MARBURGER. The next part of that is my work with the National Committee for Citizens in Education, and my professional life has been dedicated to the notion that all of the people involved in education should have a voice in the decisionmaking, so I think I can speak today for the some 300 groups that are part of the National Committee for Citizens in Education, and they represent in the neighborhood of 150,000 people who are members of those groups.

Chairman RIBICOFF. Thank you very much.

Senator Metcalf?

Senator METCALF. I have no questions.

Chairman RIBICOFF. Thank you, gentlemen. I do appreciate having you here.

Dr. MARBURGER. Thank you.

Mr. FARMER. Thank you, Mr. Chairman.

[The prepared statements of Messrs. Farmer, Marburger, and Kelly follow:]

PREPARED STATEMENT OF JAMES FARMER, COCHAIRPERSON, CITIZENS COMMITTEE FOR A CABINET DEPARTMENT OF EDUCATION

Mr. Chairman and honorable members of the committee: My name is James Farmer. I am Executive Director of the Coalition of American Public Employees, but I am here today in another guise.

Many of the witnesses you are hearing in support of S. 991 represent the education community. As professionals, they articulate—and very persuasively—why the federal government should create a Cabinet-level Department of Education. But the problems that so sorely afflict our nation's schools do not stop at the schoolhouse door. They reach out to touch every one of us in our homes and offices and workplaces, and it is this broader impact I wish to address.

I speak today as co-chairperson of the Citizens Committee for a Cabinet Department of Education, an honor I share with Grace Baisinger, President of the National Congress of Parents and Teachers, and Will Davis, President of the National School Boards Association. The Citizens Committee came into being to demonstrate the broad support in all walks of society, both inside and outside the education community, for a Department of Education. The Big Six education organizations undertook the formation of a Citizens Committee composed of individuals and organizations who, though diverse, share a common belief that a Department of Education should be established. The Citizens Committee includes many prominent Americans—in business, in labor, in public service, in civil rights, the professions, and other endeavors.

While the Citizens Committee has great diversity, it has a common concern for the state of American education.

It seems to me that the bedrock purpose of education is to prepare our nation's children for useful lives and for sound citizenship. By doing so we seek to make our nation stronger, wiser, and—we hope—a bit more civil. I do not believe there is a more certain way of fostering our nation's well-being. And most Americans share this belief, if measured only by the vast sums they willingly commit to support their state and local educational institutions.

Thus, it is very discomforting that the federal government continues to give education lower priority than its importance requires.

As a Black American and as a father, I would like to cite one example of particular significance to me. Federal officials have talked for decades about quality and equality in education and the Congress has created program after program to help achieve these goals. But it is obvious that we have achieved precious little of either. Indeed, instead of achievement, we hear more words from this agency or that, and while we listen, the diffusion of leadership and uncertain resolve become evident.

There are other—many other—problems yet to be resolved and most of them are beyond the control of states, or counties, or cities. So we look to our national government for help and leadership.

Our governors, for instance, have been told to look upon the federal establishment as a resource, to expect sure help in such affairs as the education of kids who are the victims of physical, emotional, or social handicaps. But when our governors do, all too often they find confusion, conflicting advice, and burdensome requirements, and their concerns become lost in the bureaucratic labyrinth.

Legislators in most of our states are struggling with the issue of equity in school finance, and they are doing this in a time of pernicious inflation. They too need more from Washington than a few government newsletters and case studies.

Business and labor share major stakes in federal education policies and actions. Business must have increasingly well-trained workers, and labor organizations are continuously seeking to improve the skills of their members. And once again, when they look to Washington they find fragmentation and half-hearted efforts.

But it is the parents and taxpayers who have most cause to be concerned—and who are least often heeded. They do not know anything about fancy funding formulas or about the complexities of Title One of this or Title Four of that, but they are painfully familiar with declining student achievement and rising property taxes. And in their anger and frustration, they tend to pick the nearest target—the local school and its budget.

I could continue this catalogue of afflictions, but you, the members of this Committee, are already familiar with most of them.

Instead, I would like to leave with you a few thoughts that may be useful to your deliberations.

One singular evidence of federal priorities is in how the government structures itself. Structure acknowledges importance. Obviously, the production of food is important; thus a Department of Agriculture. Equity in the work place is important; thus a Department of Labor. The encouragement of private business and industry is important; thus a Department of Commerce. And thus we have Defense, and Housing, and Transportation, and Energy, and the other Cabinet level Departments.

By the measure of structure, the federal government is saying that it does not consider education and its profound effects on the nation's social fabric as important as any of the above. This is a very peculiar comment on how we Americans pursue the premises on which our nation was founded.

It is the conviction of the Citizens Committee that education is fully as vital as any activity the federal government could foster and protect. It is also our conviction that, since, the structure the federal government has relied on to address education's deep-rooted problems has worked so imperfectly in the past, there is little likelihood that it will enjoy future success.

The members of the Citizens Committee believe there must be new and clear evidence that the federal government understands that education is the glue of a just and civil society and is willing to commit its authority and resources accordingly.

We believe that the creation of a Department of Education is requisite to this new beginning. Therefore, we wholeheartedly support its creation, through the passage of S. 991.

Thank you.

PREPARED STATEMENT OF DR. CARL MARBURGER, DIRECTOR OF THE NATIONAL COMMITTEE FOR CITIZENS IN EDUCATION

I am Carl Marburger, Director of the National Committee for Citizens in Education, a non-profit advocacy organization dedicated to helping parents and citizens become responsibly involved in public schools. We have 300 member organizations in our Parents Network that represent over 150,000 parents and citizens in 40 states. While these groups maintain their local identity and pursue their own projects, we provide training, technical assistance, legislative guidance, counselling and referral services, and, via the Network, put them in touch with one another. For parents and citizens, we maintain a toll-free hotline to handle problems and complaints and to render services on an individual basis.

No doubt many of you are familiar with the excellent work of our predecessor group, the National Committee for the Support of Public Schools, under the leadership of its Chairperson, Agnes Meyer.

My own association with federal education programs began when I directed compensatory education programs in Detroit and continued during my years as Assistant Commissioner for Education at the Bureau of Indian Affairs and as Commissioner of Education in New Jersey. From this experience, I have emerged convinced that the federal role in education badly needs to be examined thoroughly, consolidated coherently, and placed under one responsible, visible Cabinet-level official. Therefore, as an organization we want to go on record with you as supporting the creation of that Cabinet position.

Our particular interest, obviously, is more significant involvement of parents and citizens in education and it is to that question that I will direct the rest of my testimony.

Since 1973, the extensive contacts that NCCE has developed with parent/citizen organizations has led us to conclude that lack of public confidence in our school system is one of the most urgent educational issues of the decade. According to NCES statistics, the percentage of people with "hardly any" confidence in people running education has nearly doubled from 1973 to 1976 (from 8 percent to 15 percent).[1] In 1975, 56 percent of all bond issues before the public were turned down.

This decline in confidence is not unjustified. A recent Office of Education study documents a ten-year drop in the reading skills of high school graduates, and the College Entrance Examination Board reported that 1975 brought the biggest dip in SAT scores in 20 years.[2]

---

[1] *The Condition of Education* (NCES, 1977) p. 157.

[2] Senator Abraham Ribicoff, *Congressional Record*, Monday, March 14, p. S4087.

The situation is not likely to improve. In the coming decade, public secondary school enrollment will decrease by 15 percent and elementary school enrollment will decrease by 8 percent, while at the same time costs are expected to rise by 65 percent.[3] Clearly, public schools face a future of having to rely on increasing support from a public that has a shrinking stake in the schools and too little confidence in them as well.

In our view, it is no coincidence that the decline in public support parallels decreasing citizen and parent involvement. The literature abounds with studies on the erosion of lay control of the schools.[4]

The network of groups with which NCCE works shares the belief that active citizen participation is vital to the healthy functioning of democratic institutions, and that school decisions for too long have been taken largely among professionals and far from the public view. Decisions affecting the lives of children should be open to public scrutiny.

This view is not just populist ideology. It is practical politics. If people are involved in making the decisions that affect their lives, they will tend to support them.

Furthermore, educational research, most notably the Coleman study and subsequent studies based on the Coleman data, significantly demonstrates that when parents participate in school affairs, their children do better in school.[5]

The need to increase the responsiveness of the executive branch is clear. We would emphasize that any rethinking of the federal role in education must recognize at the outset the need for the federal government to regenerate public confidence in education by facilitating citizen participation in processes that affect them. And I am confident that the members of this Committee share that view.

Under the current federal education system, (if the word system is not too great an exaggeration), the concerns of citizens and parents are largely ignored.

> Aside from one person on the Title I ESEA staff to handle Parent Advisory Councils, there is no one in the entire HEW Education Division specifically designated to handle parent and citizen concerns.
>
> There is no parent representation and only token citizen and student participation on federal education advisory councils, according to a study NCCE recently conducted.
>
> There is no significant effort through the ERIC system or at the National Institute of Education to provide information directly to interested parents and citizens, despite a clear mandate to disseminate information about public education in such a way as to aid the people of the United States.[6]
>
> The force of many provisions in education law about citizen participation has been dissipated by the lack of a coherent policy governing this issue and the lack of consistent enforcement of the provisions.
>
> The present scattering of education programs all over the government is confusing, and it is difficult for an outsider to identify, let alone reach, responsible officials.

Of all the excellent arguments made here today for creating a separate Department of Education, we at NCCE feel the most important is that vesting in one official and one Cabinet-level agency the responsibility for all major education programs will make it easier for the ordinary citizen or parent to bring his or her concerns to bear upon the government.

---

[3] NCES, *op. cit.* p. 42.

[4] An excellent recent article by L. Harmon Zeigler et al. "How School Control Was Wrested From The People" in *Phi Delta Kappan*, March 1977, pp. 534–39.

[5] Christopher Jencks, "The Coleman Report and the Conventional Wisdom," in Frederick Mosteller and Daniel Moynihan (eds.) *On Equality of Educational Opportunity* (NY, Vintage, 1972), pp. 89–90; see also Paul T. Rankin, Jr., "The Relationship Between Parent Behavior and Achievement of Inner-City Elementary School Children," (American Educational Research Association, February, 1967) cited by Carole Lopate, Erwin Flaxman, Effie M. Bynum and Edmund Gordon, "Decentralization and Community Participation in Public Education," *Review of Educational Research* v 40, n 1 (February, 1970) p. 142

Carole Lopate, et al. "Some Effects of Parent and Community Participation on Public Education," (NY, ERIC Information Retrieval Center on the Disadvantaged, Teachers College, February, 1969), pp. vi–vii. ERIC ED 027 359; and Maurice Berube, "Educational Achievement and Community Control," *Community Issues*, v 1, n 1 (November, 1968), p. 3.

Marilyn Gitell and T. Edward Hollander, *Six Urban School Districts: A Comparative Study of Institutional Response* (New York, Praeger, 1968), p. 51. See also Dale Mann, "The Politics of Representation in Educational Administration," Education and Urban Society, v 6, n 3 (May, 1974) p. 314; and Marian Sherman Stearns and Susan Person with Anne H. Rosenfeld and Meredith L. Robinson, *Parent Involvement in Compensatory Education Programs: Definitions and Findings* (Menlo Park, Educational Policy Research Center, Stanford Research Institute, Mimeo, March 16, 1973) p. 38.

[6] See 20 *USCA* C(a) and 20 *USCA* 1221 E(e)(1).

We also feel that this Committee, by considering legislation to create a Cabinet-level Department of Education, is providing an unprecedented opportunity for clarifying and strengthening the role parents and citizens should play in determining educational policy.

In no place, however, does S 991 treat these urgent issues of parent-citizen participation and of flagging public confidence in our education system. We feel strongly that these two issues are inextricably related and that this legislation will not command broad public support unless they are recognized and addressed.

We therefore recommend that the Committee consider these additions to the bill:

> Under Findings and Purposes (Section 2, p. 1), that the Congress finds that public confidence in education, which stems from an historical tradition of citizen and parent involvement and which is critical to the continued effectiveness of public education, has been steadily declining and should be regenerated by strong federal leadership;
>
> Under Functions of the Department (Section 6(b), p. 5), that the Secretary be authorized to develop effective means for insuring citizen and parent participation in educational programs and for rebuilding public confidence in education; and
>
> Under National Advisory Committee on Education (Section 13(a) p. 13), that the National Committee shall be composed of 15 members, two-thirds of whom shall be representative of parent, student, and other citizen organizations concerned with public education.

And last, we recommend that the Committee consider, in the section on Transfer of Functions and Agencies, language to create an Office of Parent and Citizen Concern, whose responsibilities should include:

> Administering the Family Educational Rights and Privacy Act and the Freedom of Information Act;
>
> Monitoring the enforcement of parent and citizen participation provisions now in the law;
>
> Informing the public of opportunities to participate in educational policy determination;
>
> Mediating the concerns of individual citizens or parent/citizen/student organizations with offices or programs in the Department; and
>
> Reporting annually to the Secretary and to Congress on the status and effectiveness of parent/citizen participation in federal education programs.

How would this provision affect the present structure of the Office of Education? It would consolidate and strengthen it.

To accommodate the special interests of underprivileged and minority citizens, several offices of special concern with "staff" designation have been created over the years by the Commissioner. Currently, special staff exists for privacy and information rights, black concerns, Spanish programs and Equal Employment Opportunity. Without legislative mandate or authority, separate and fragmented, they can only serve at cross-purposes or not at all.

In April, Commissioner Boyer announced a reorganization to address, in part, this problem, but it has been rescinded. He would have created an Affirmative Action Office and an Office of Educational Community Liaison, which we presume would have encompassed some or all of these offices of special concern.

Our proposal to create an Office of Citizen and Parent Concern, by consuming both the earlier offices and the ones Commissioner Boyer proposed, would broaden and strengthen the concept of an access/advocate for the Department's special constituencies. Separate designation pits these constituences against one another, lack of legislative mandate denies them authority. Our proposal would not only deal with these problems, but would in addition give the Office the responsibility for monitoring parent participation provisions, informing the public of opportunities to participate in hearings and attend meetings, and administering FERPA and the Freedom of Information Act.

From conversations with our own members and related groups, we feel strongly that including such provisions in this already excellent bill would attract broad citizen support and would signal that this Committee recognizes the need to rebuild public confidence in education by including the public in educational governance.

Prepared Statement of Winfield Kelly, Prince George's County Executive and Member of the Citizens Committee for a Cabinet Department of Education

I am Winfield Kelly, Prince George's County Executive. Although I am not an educator, improving the quality of education has always been a major priority of mine. I would like to share with you some of my perceptions, as the chief executive officer of a local government jurisdiction, about the administration and management of the business of education.

Prince George's County is the 10th largest school system in the nation. Unlike some others across the country, our school systems in Maryland are fiscally dependent. That means that the County Council and I, as County Executive, review and have approval authority over proposed expenditures for school programs.

In Prince George's County, which as most of you know is a mixed industrial and suburban Washington community, we have a lot of federal education programs. Because of large numbers of federal employees who live in the County, we receive impact aid funds. We are also heavily into vocational education, Head Start, school breakfasts and lunches, education for the disadvantaged, and many others. We hope during this year to receive funds from new energy legislation to renovate some of our older school plants.

I share with the other members of the Citizens Committee for a Department of Education a concern that we do not have, at the national level, a real handle on education. Education is too important to the future productivity of our nation to be parcelled out among various agencies, with all the lack of coordination, control, and accountability that such fragmentation implies.

When I have a question or a concern about any of the education programs funded by Prince George's County, I know that one person, my County Superintendent of Schools, Dr. Edward Feeney, is responsible. I pick up the phone and call him.

Similarly, if my County Superintendent and I need information about any education program operated by the State of Maryland, we call the State's Superintendent of Schools, who is in sole charge of all state aid programs.

You know as well as I do that this centralization of authority and accountability does not exist at the federal level. For a problem with Title I or vocational education, yes, I can start with the U.S. Commissioner of Education. Those programs are under his jurisdiction. But if the question is about school nutrition programs, I have to go to the Department of Agriculture. For Head Start, I have to deal with the Office of Child Development—an agency of HEW which is inexplicably not a part of the Education Division. And as we move into competition for energy funds to bring conservation to our school facilities, I suppose I'll have to start making contacts at the new Department of Energy.

This structure—or nonstructure—makes no sense to me. All these education programs should be administered by one agency headed by someone who is, in the Washington pecking order, at least as important as the Secretary of Commerce and the Secretary of Interior. I am not trying to denigrate their importance. But I feel very strongly that the enterprise of education, which directly involves nearly one-third of the nation's total population, needs to be elevated so that it has the full stature it deserves in the federal scheme of priorities.

I understand that there are those who oppose establishment of a Cabinet Department of Education on the grounds that needs of the total individual are currently addressed by the coordinated activities of the Department of Health, Education, and Welfare. I can tell you that in my view this coordination at the national level is a fantasy. Yes, there are health programs and welfare programs and education programs that are operated through HEW. But what coordination there is, occurs at the local level—it doesn't come from 330 Independence Avenue, S. W. Because I personally feel a need for coordination of these services to the total individual, I try to make sure that there is coordination at the point of delivery. But I assure you such coordination is my doing and that of other officials in Prince George's County—I sense no impetus from HEW.

As I observe the delivery of federal education programs, I become more and more convinced of the need to establish a Cabinet Department of Education. I want to commend this Committee for your efforts in this direction, and I wish you success.

CITIZENS COMMITTEE FOR A CABINET DEPARTMENT OF EDUCATION

COMMITTEE MEMBERS

Edward Aguirre, former U.S. Commissioner of Education.
Stephen K. Bailey, Harvard Graduate School of Education.
Larry Bateman, President, Student NEA.
Terrell H. Bell, Utah Commissioner of Higher Education.
David L. Boren, Governor, State of Oklahoma.
Kenneth J. Brown, President, Graphic Arts International Union.
Audrey Rowe Colom, Chairperson, National Women's Political Caucus Advisory Board.
John Dealy, President, Fairchild Industries.
Melvin Eggers, Chancellor, Syracuse University.
Mannie D. Fierro, El Congresso.
Douglas Fraser, President, United Auto Workers.
Bernice Frieder, Lakewood, Ohio.
Hendrick Gideonse, Dean, College of Education and Economics, University of Cincinnati.
Samuel Halperin, Director, Institute of Educational Leadership.
LaDonna Harris, President, Americans for Indian Opportunity.
Forest W. Heaton, President, Reading Enrichment Company.
Henry Hermanowicz, President, American Association of Colleges of Teacher Education.
Helena B. Howe, American Association of Community and Junior Colleges.
Vernon Jordan, Executive Director, National Urban League.
John Kamerick, President, University of Northern Iowa.
Winfield Kelly, County Executive, Prince Georges County, Maryland.
Francis Keppel, former U.S. Commissioner of Education.
Coretta S. King, Martin Luther King Center for Social Change.
Thomas M. Law, President, Virginia State College.
Frank Logue, Mayor of New Haven, Connecticut.
John M. Lumley, Jersey Shore, Pennsylvania.
Carl L. Marburger, National Committee for Citizens in Education.
Sidney P. Marland, Jr., former U.S. Commissioner of Education.
Vilma Martinez, President and General Counsel, Mexican American Legal Defense Educational Fund.
Peter Masiko, Jr., President, Miami-Dade Community College.
Tom C. Massey, Texas State Representative.
Joseph C. Palamountain, President, Skidmore College.
Paul Parks, Massachusetts Secretary of Education.
Carl D. Perkins, U.S. Representative, Kentucky.
Richard Pesqueira, Vice President of Student Affairs, New Mexico State University.
John Porter, President, Council of Chief State School Officers.
Robert D. Ray, Governor, State of Iowa.
Jeanett F. Reibman, Pennsylvania State Senator.
Wilson Riles, California Superintendent of Public Instruction.
Armando Rodriquez, President, East Los Angeles Community College.
John Ryor, President, National Education Association.
Terry Sanford, President, Duke University.
Louis R. Smerling, President, National Association of State Boards of Education.
Leonard Stavisky, New York State Assemblyman.
Stephen J. Trachtenberg, President, University of Hartford, Connecticut.
Glenn Watts, President, Communications Workers of America.
Dana Whitmer, President, American Association of School Administrators.
John H. Williams, President, George B. Buck Consulting Actuaries, Inc.
William Winpisinger, President, International Association of Machinists.
Jerry Wurf, President, American Federation of State, County, and Municipal Employees.
Paul Ylvisaker, Dean, Harvard Graduate School of Education.

Chairman RIBICOFF. Mr. Miles, Dr. Bailey, and Dr. Halperin, I welcome the three of you with special pleasure. Not only do I respect all of you gentlemen, and your ability to get things done, but all three of you have worked with me at various times during my lifetime. I consider you friends. You know what you are talking about. There is not one of you whom I have not called upon for help in years past, so it is only natural that I ask for your help now. Mr. Miles, Dr. Bailey, and Dr. Halperin, I cannot imagine any other three men whose point of view I respect more than the three of yours. I want to thank the three of you, for myself personally and the committee today. I think, Rufus, I will call you in order that the staff has listed, and they listed you first.

TESTIMONY OF RUFUS E. MILES, JR., WOODROW WILSON SCHOOL OF PUBLIC AFFAIRS, PRINCETON UNIVERSITY; DR. STEPHEN K. BAILEY, HARVARD GRADUATE SCHOOL OF EDUCATION; AND DR. SAMUEL HALPERIN, FORMER HEW DEPUTY ASSISTANT SECRETARY FOR LEGISLATION, A PANEL

Mr. MILES. Thank you very much, Mr. Chairman, it is a great pleasure to be back and associate again with you. I share your feelings of warmth in our association.

My name is Rufus E. Miles, Jr. I am a former Assistant Secretary of HEW, now at Princeton University. Last year I made a study of the organization of education functions of the Federal Government at the request of the American Council on Education. Your committee has copies of my report entitled, "A Cabinet Department of Education: Analysis and Proposal."

I support the creation of such a Cabinet Department for four main reasons: First and foremost, education as a social purpose deserves the kind of attention and emphasis that only Cabinet status can confer.

Second, the coordination and rationalization of the hundreds of educational programs throughout the Federal Government can be done far more effectively under the leadership of an officer of Cabinet rank with a specific assignment from the President than by any lower level official, or by any Secretary of Health, Education, and Welfare, no matter how competent he may be.

Third, a Cabinet Secretary of Education would have a stronger voice in the councils of government and could better articulate the justifiable needs of the educational world in comparison with the other strongly competing claims upon the limited financial resources of the Nation.

And fourth, the removal of the educational component from the current Department of HEW would make that gargantuan department slightly more manageable. Let me discuss two of these reasons more fully. The others I shall be glad to elaborate on if the committee should wish.

A Cabinet Department of Education with a clear Presidential delegation to the Secretary could coordinate the hundreds of scattered education programs as no other form of organization could. Neither your bill nor my proposal would consolidate all education programs in a single department; this is simply not feasible. Many education programs belong with other functions to which they are supportive.

A major role of the highest educational officer of the Government is to assure consistency of Federal policies and to reduce to a practical minimum the burden of administration and reporting falling on the institutions. This can only be done, in my judgment, by an official who holds the highest rank next to the President—that of a Cabinet officer. Other department officials will not readily accept leadership to achieve interagency program coordination from a person of lesser rank than a Cabinet officer. Obviously, too, no Secretary of Health, Education, and Welfare, no matter how competent he may be, can devote the time needed to perform this role; he has enormous other duties to attend to. Such a coordinative role, if performed by a Secretary of Education, should be of great value to the numerous educational institutions that now feel they are spending an inordinate amount of time and money in carrying out excessively detailed and inconsistent regulations and policies.

Second, a Cabinet Secretary of Education would have a much better opportunity to present the case for educational needs to the OMB and the President.

I am continually astonished when I hear people in the educational world say that what the educational institutions of the country need is more Federal aid rather than a Cabinet Department of Education, as if these were alternatives. They seem to think that they are being offered one or the other, and they would rather have the money. The fact is that without a Cabinet Department, they are very unlikely to get full and fair consideration of their relative claims on the Nation's budget. It is almost as if they were saying, "We don't really need a full-time, highly informed prestigious spokesman on behalf of education in the highest councils of government; all we need is the money, just give us the money and we will be happy." This represents an extremely naive understanding of the way the Federal fiscal pie is carved up.

There is one aspect of S. 991 which I strongly urge you to change before it leaves your committee. S. 991 would transfer the schools for dependent members of the Armed Forces, schools for Indian children, operated by the Bureau of Indian Affairs, and the Department of Agriculture Graduate School into the new Department of Education. This would be a great mistake, in my judgment. The Department of Education should not be involved in the direct operation of schools and colleges. As I said in my report, if the Department of Education operated the schools poorly, it would be severely criticized; if it operated them well, it would be tempted to try to tell the State, local, and private institutions how to run their programs. Both would be most undesirable. In addition, the cost of operating schools for dependent members of the Armed Forces would surely rise substantially if they were torn loose from the moorings and the logistic support furnished by the Department of Defense at all its overseas bases. The Department of Education would simply have to duplicate various elements of what is now in place in the Department of Defense, all to no good purpose.

Although this concludes my brief opening remarks, Mr. Chairman, I have submitted a somewhat fuller statement which I request be put in the record. Together with my report of a year ago entitled, "A Cabinet Department of Education, Analysis, and Proposal," it sets forth my full analysis of the issue. If it is appropriate and feasible, Mr. Chairman, I believe it would be useful to print that full report in the record. It covers the subject more thoroughly than any other available report. I hope the Congress and the President will both support the creation of such a new department.

Chairman RIBICOFF. Without objection, the entire statement will be placed in the record.

Mr. MILES. I congratulate you, Mr. Chairman, on your opening these hearings.

Chairman RIBICOFF. Thank you very much, Mr. Miles.

Dr. Bailey?

Dr BAILEY. Mr. Chairman, I am delighted to be back in association with you. I take great pride in the fact that in a previous incarnation, I was the first mayor in the State of Connecticut to support your nomination for the governorship of that State. In a fairly long life now of public service, I cannot think of anything that has been of more significance to the future of this country.

In my estimation, S. 991 is the right bill in the right place at the right time. I have a few reservations on detail, but I do not question—in truth, I support wholeheartedly—the general thrust of this important legislation.

As a student of Federal Government organization for more than 30 years, and with a special interest in the health of the educational enerprise in this Nation and abroad, I have long held the position that a Cabinet-level Department of Education was needed. Education is today the largest enterprise in America. Expenditures for education at all levels will reach $144 billion this year. In 1977–78, education will be the major preoccupation of 64 million Americans—almost a third of our population. At the moment, education in the Federal Government is in the hands of a series of fourth- and fifth-level bureaus spread throughout a score of executive departments and agencies. These departments and agencies are headed by top political executives who are preoccupied with other matters. To pretend that such an arrangement is an adequate Feedral response to this Nation's educational problems and needs seems to me to be mindless.

It is true that our Founding Fathers considered education a largely State and private rather than Federal concern. Education is, and I am sure will and should remain, a highly decentralized social function. But to defend decentralization is not to defend structural and procedural ineptness in regard to educational matters in Washington. And it should be emphasized at the outset that the type of Department of Education recommended in the bill before you is light-years away for the centralized education ministries of most other nations of the world. Our Federal system, the mixed private/public nature of American education, and our system of constitutional checks and balances, all militate against undue centralization of educational functions in any new Cabinet-level department. Even in the setting of the National Government, education is inherently too pervasive to be contained in a single agency. Virtually every department and agency of the Federal Government has some educational functions. Most of these, under this bill, would continue to function in their present setting.

What S. 991 would do is to elevate a few central educational functions to new prominence while establishing inspectoral, advisory, and interdepartmental means for reviewing the Federal Government's educational role as a whole. Here, the risk is not that the projected coordinating role of the new Secretary and the projected monitoring roles of the National Advisory Commission and the Inspector General *will lead to an oppressive and rigid "French-ministry" type of domination* of American education by a single agency. The risk is that the centrifugal forces represented by the Federal Government's own educational multiverse, and by 50 States, 18,000 school districts, and 3,000 colleges and universities, will preclude even limited and needed coordination under the new arrangement. But the attempt at greater cohesion should be made, for the present reality is a bureaucratic mishmash. HEW, as the distinguished chairman of this committee knows from personal experience, is unmanageable. Furthermore, the HEW Secretary's legitimate concern with medical care and welfare reform, two areas of pressing national priority, cannot help but skew his attention away from the needs and problems of education. Furthermore, the present trifurcation of HEW's Education Division causes internal jurisdictional ambiguities that are time consuming, enervating, and occasionally unseemly. This is true in spite of the fact that HEW presently enjoys perhaps the most distinguished array of top educational officials that this Nation has ever witnessed. Alas, like an exploding rocket, such stars can quickly fall, leaving the bureaucratic atmosphere danker and darker than before they appeared.

The basic issue is structural; education is surely as important to our national life as commerce, agriculture, transportation, the environment, energy, labor, or housing. In fact, if education falters, so will these other areas of public policy. Yet Cabinet status gives dignity, focus, and an adequate number of status positions in tables of organization to these other fields, but not to education.

This bill, following upon President Carter's campaign commitment, attempts to give education the status, focus, and high-level official positions it needs and deserves in our national life. It is as welcome as it is overdue.

There is not time in this brief testimony to go into all the details in the bill. There are some organizational transfers that seem to me unwarranted or unwise. I see nothing to be gained, for instance, by shifting the National Endowment of the Arts and Humanities to the new Department. Their present status gives tnem a visibility and an independence that is important to a beleaguered clientele, and to the precious notion in the realm of humanistic pursuits of public patronage without political patronage.

I also agree with the American Council on Education that transfer of the National Science Foundation's Educational Directorate, the Department of Defense Dependent Schools, the Bureau of Indian Affairs schools, and the Department of Agriculture's Graduate School, would not be well advised, and that Federal enforcement of equal employment opportunity, civil rights, and affirmative action should be consolidated rather than splintered further.

But my major concern with the bill as it stands, has to do with the internal organization of the proposed department. All of the projected assistant secretaries have staff rather than line orientations. This communicates to the department's major clientele; the students, faculties, administrators, and policy board, I would add parents, of the Nation's schools and colleges that their interests are to be subordinated to staff officials who are charged with perfecting the mechanisms of governmental procedures and control rather than attempting to give notice to desperately needed programmatic initiatives.

I should far prefer to see two powerful undesecretaries: one for early, elementary, and secondary education, and one for postsecondary and continuing education; and, at the next level, five assistant secretaries; three of the four staff officers already mentioned in your bill—intergovernmental relations like international education should be a top staff position in the Secretary's own office; one Assistant Secretary for special and vocational education, and one for research.

I wish to underscore the last. Special pains must be taken to preserve the status and the relative independence of the National Institute of Education function. An Assistant Secretary status for the Director is one essential way to do this. In addition, however, the National Advisory Commission on Education and the projected Inspector General should be called upon to monitor with special vigilance the integrity of the new Department's research function. In a very special way, NIE should become a staff adjunct to both the Advisory Commission and the Inspector General in evaluating educational programs run by other parts of the proposed department. If NIE's independence is compromised, it cannot perform its critical research and evaluation functions with any degre of credibility.

With these few suggestions before you for consideration, let me repeat what I said at the beginning. This is the right bill in the right place at the right time. I hope and trust that it will be enacted.

Chairman RIBICOFF. Thank you very much.

Dr. Halperin, I have looked at your testimony. It contains many valuable charts, and statistics, but I would say that your entire statement should go in the record with all of the charts and statistics, because when we get to the floor they will be valuable and needed. So without objection, the entire statement and the charts and statistics will go in the record at the end of your testimony.

Dr. HALPERIN. Thank you, Mr. Chairman.

Like my colleagues, I join in a sense of celebration to be back in some old wars along with you. As Secretary of HEW, you were right when you laid the groundwork for what later became the elementary and secondary education act. I think you are right again in doing what you are doing today to create a Cabinet Department of Education. Time will vindicate you on this issue as it has on others.

What you heard this morning is that there are essentially two compelling judgments the Congress must reach in order to create a Cabinet-level Department of Education. The first is that education is essential to the American people and our form of government, and the second is that the present location of education within the Federal bureaucracy works against the best interests of education.

The thrust of my testimony, and the statistical materials to which you referred, is that the Congress will find, when it looks at the present organizational arrangements, that education is very poorly served, that it is inefficient, and is extremely fragmentary at the Federal level.

My main thesis is that education competes far too often and far too unsuccessfully for attention and resources within the existing Department of HEW. As the chairman well knows, such issues as welfare reform, national health insurance, and social security, among others, inevitably occupy center stage.

In authorizing a Cabinet post for education, the Congress will be signifiying its clear intention that the most significant tradeoffs affecting both national education policy and the allocation of scarce resources ought to be made far more often than is now the case in the White House and OMB. Some will say that a favorably disposed President can intervene in behalf of education, no matter where it sits on the organization charts. Indeed, that is what happened in 1964 and 1965, when President Johnson made education a central element of the Great Society. Then, as now, the Office of Education was a relatively low-level, undistinguished, and undernourished unit of a far larger Cabinet-level department. But LBJ is no longer with us. While Mr. Carter has already demonstrated a greater sympathy for educational funding than his predecessor, we need to recognize that education usually fares poorly as a national priority within HEW.

The bill introduced by the distinguished chairman of this commit-ee. which is supported by a majority of the Members of the U.S. Sen-te, recognizes this central truth. By elevating educational concerns o Cabinet level, it would give education the full-time, not part-time. ttention of top-level policymakers. It would enable education issues o be considered at the very highest levels of the executive branch. ather than sporadically, several levels down in the bureaucratic sys-em. Thus, S. 991 would elevate education from its submerged and ntirely unsatisfactory status in HEW and provide at least the pos-ibility—if not the certainty—that educational problems will be far etter addressed at the Federal level than is now the case.

I would like to turn to some factual evidence which persuades me hat the present bureaucratic arrangements inadequately serve both ducation and the Nation.

"With our tax dollars, we buy civilization," said Oliver Wendell Iolmes, and with our dollars we also express our sense of national riority, and the urgency of our commitment to a more decent society. n those terms, education is flunking out in HEW.

In gross terms, unadjusted for inflation, the Education Division's itlays have more than doubled in recent years, but as a share of total IEW spending, the Education Division's portion has declined by al-ost one-third, from almost 8 percent in 1970, to only 5.6 percent day. This is seen on page 4 of my full statement in exhibit 1. Ex-ibits 2 and 3 demonstrate the same points over a longer period of me, so the argument must be made that education has been suffering its present organization for fully a decade or more.

In 1966, for example, the Office of Education accounted for 11½ ercent of HEW's budget, but by 1976, that percentage had fallen ore than half to 5½ percent.

Moreover, if you take Federal expenditures and adjust them for in-tion, we see that education funding has been frozen for fully a cade.

Health expenditures, on the other hand, reflect the insistent demands so-called noncontrollable programs to which you referred earlier. ograms like medicaid and medicare have risen in meteoric fashion shown on exhibit 4 on page 7.

Looking at the internal trade-offs processes inside HEW and inside MB, we see that the Education Division takes some of the very larg- cuts in the entire department. Indeed, in preparing the original

1978 budget, education funding was literally savaged within HEW. I have an exhibit on page 8 of my statement which shows that if you look at the requests of health, and then look at what happened to it in HEW, and look at that same request as it moved through OMB to the President, you see that health ended up with a 9-percent cut, social security with a 0.7 percent cut, social rehabilitation services, 0.4 cut, but the Education Division took essentially a 16-percent cut from the levels of funding which were based on prior year funding, not on pie in the sky, not on all that is desirable, but on what they needed to do the same job as the prior year.

Clearly, education has suffered very severe budgetary reductions, not just once, but over a longer period of time, and that, too, is shown on this table in the testimony.

The increases submitted by President Carter, which this Congress has approved, are a step in the right direction, but they are miniscule, and they do not reverse significantly the trend I have been describing. The largest reduction still falls within the Education Division and education is still the prime target for reductions throughout HEW.

Now, if education were raised to Cabinet-level status, requests could still be pared at OMB and in the White House. But, in all probability, those reductions would be nowhere as severe as they are now in the structure of HEW. You will recall, Mr. Chairman, when you were Secretary, you would take appeals to the President. You could only take a limited number of appeals to the President. So perhaps you took one or two from education, one or two from health, one from aging, but you could not do all for education that you would like to have done, or that your education advisers urged upon you. So many key issues simply did not get raised at OMB and at the Presidential level.

Exhibit No. 7 on page 10 shows in dollar terms just how badly education has been hurt within the HEW context, compared to other parts of HEW. Fully, half a billion dollars cut from the comparable funding levels of fiscal year 1977, unlike other parts of HEW, which had substantial increases. In one case, an added $1.6 billion, in the case of the social rehabilitation service.

Far from assuming that a realistic budget for education ought to start with the level of funding provided by the Congress in the previous year—preferably with a small addition to compensate for inflation—top budget and other policymakers at HEW and OMB have consistently forced the Education Division to submit and to defend politically and educationally indefensible budgets. Indeed, for most of the past decade, education's Presidential budget at the beginning of a fiscal year has been arbitrarily set well below previous congressional support levels.

Forced to squeeze HEW spending requests into an overall ceiling set by the White House, HEW's budgetmakers first provide for uncontrollable expenses, such as medicaid, medicare, public assistance, vocational rehabilitation. By the time education's turn arrives, HEW's budgetmakers invariably deny the funding levels requested by the Education Division based on current support levels. HEW's allowances, as shown in exhibit 8 of my statement, are usually about $1 billion below current spending levels. Moreover, by the time OMB and the President have submitted their final request to the Congress, the gap has grown even wider.

It is then invariably left to the Congress to restore educational funding to at least current support levels. To do so requires additions of $1 to $2 billion to the President's budget. Thus, the Congress gets blamed for "fiscal irresponsibility," for "fueling inflation," and even for "destroying the American economy." Worse, congressional appropriation energies are largely consumed merely in this maintenance effort, distracting the Congress from considering critical policy issues concerning the optimum total Federal investment in education, as well as the appropriate mix among programs.

The points I have been making here are further illustrated in the following three exhibits 8, 9, and 10, pages 12, 13, and 14. I think they will be useful to your committee in markup session, where they will show that we are facing a temporary aberration, but a very important long term trend.

Mr. Chairman, I would now like to take a few moments to look at personnel. As you well know, the number of programs mandated to HEW has risen dramatically in recent years. When you were Secretary, there were approximately 19 programs in the education area, a handful in 1957, before Sputnik. In 1965, there were 31 programs. Today there are at least 130 programs.

Initially, after these new authorities were enacted by the Congress, USOE received a somewhat larger share of the total departmental personnel but, as the next exhibit shows, the percentage of the Department's personnel devoted to management and implementation of programs has been declining relatively in the Department. Expressed as a correlation between the percentage of HEW's funds and HEW's staff, the disparity is even greater. The Education Division has about 6.3 percent of HEW's budget, and only 2.7 percent of its staff. I believe that many of the problems in the effective management of these programs come about from insufficient staff, and staff that is mandated to th wrong place by particular portion of our current laws.

Even more dramatic, the size of the education staff has fallen farther and farther behind the growth of Federal appropriations. Today, every employee in the Education Division, secretarial, clerical, or professional, administers an average of $2½ million a year of Federal money, and that is some 2½ times what it was in 1965.

Not incidentally, the relative plight of education's personnel situation has been accompanied in recent years by a vast strengthening of the Office of the Secretary at HEW. In 1976, for example, the entire Education Division had 3,765 permanent positions while the Office of the Secretary had 6,312.

I don't know if that is too many for the office of Secretary, but I do believe it is too few to do the job of those 130 programs which you and the Congress have asked the Office of Education to carry out in the Education Division. Education's disadvantage is repeated at many points in HEW. Look, for example, at how poorly the vital function of collecting and analyzing educational statistics compares with similar functions in health—notwithstanding that education is a larger enterprise and by far the greater expenditure of State, local, and Federal Governments.

Yet, in the National Center for Health Statistics, there are 547 people, and a budget of $34 million, a very substantial increase of one quarter in dollars from last year. The National Center for Educational Statistics has only 179 people and less than a $14 million budget. Essentially, it has a no-growth budget while the need for knowing what is happening in education has never been greater.

Looking at leadership positions, it should greatly concern the Congress that education suffers enormously from extreme instability of tenure in the commissionership of education. During the 1965–77 period, there have been only four Surgeons General heading the Public Health Service. In stark contrast, during those same dozen years, the Office of Education has been headed by 13 Commissioners, 5 of them on an acting basis. Indeed, the five Acting Commissioners held office for almost one-fourth of this 12-year period. I need not elaborate on what such extreme instability of leadership means to the health of any organization, let alone one charged with the effective implementation of so many critical statutes and some $10 billion a year of the taxpayers' money.

Tomorrow, I understand, you will have an opportunity to talk to some former Commissioners of Education about their problems, but the facts are clear.

Chairman **Ribicoff**. Do you think there has been a similar turnover in any other Federal offices of the Government?

Dr. **Halperin**. I am not aware. I think it is a very important point which perhaps the Congressional Research Service might check out for you.

Chairman **Ribicoff**. That is amazing.

Rufus, do you know of anything?

Mr. **Miles**. No, I think that is a unique record.

Chairman **Ribicoff**. In other words, it would be an indication of complete frustration. These men, all men of outstanding ability, experience, education, and stature, in the educational community averaged less than a year. This indicates great frustration with the job they had.

How can a department do a job if its leadership is a revolving door of that caliber?

Dr. **Halperin**. That is the point, sir. Dwelling on how badly the taxpayers are served by this kind of instability, at the hands of individuals responsible for $10 billion worth of programs, gives one a certain pause for thought and concern.

I do not believe that, if the top education official had Cabinet rank, the instability would average less than 1 year. In any case, if we look elsewhere, we see some facts, it would seem to me, even more indicative of very serious problems.

As you know, the entire Education Division is headed by an Assistant Secretary. That is a level IV in the Federal executive ranks or scale. The Commissioner of Education, and the Director of NIE are merely level V's. At the present time, incidentally, there are 36 officials in the U.S. Office of Education, who earn exactly the same salary as the Commissioner of Education. That is poor management. It is not practiced in the legislative branch of Government generally, and it is certainly not practiced in business or the universities.

In sharp contrast, in the new Department of Energy, the Congress has seen fit to provide a level I Secretary, a level II Deputy Secretary, an Under Secretary, and one other level III, and fully 17 level IV positions.

In other words, there are in Energy 21 officials at or higher than the top-ranking official of the Education Division.

We need an energy policy. We need important and impressive leadership in energy, but I do not believe the ratio of leadership positions ought to be 21 to 1.

We can look at some other parts of the Federal Government and see the same phenomenon. In the Department of State, there are 20 executive level IV's and 5 higher grades, so that State has at least 25 top-level positions compared to Education's 1.

At Treasury, there were 9 executive level IV's, and 6 higher grade, so that at Treasury, it is 15 to 1 for Education.

Even at the Agency for International Development, AID, where the 1978 budget is only one-fourth the size of the Education Division's $2.7 billion, there are 10 level IV's, and 2 higher executives. Twelve officials were higher rank than the U.S. Commissioner of Education. Does the Congress really believe that foreign aid outranks educational assistance to our own people by so wide a margin?

In conclusion, a Cabinet-level Department of Education will not in and of itself solve the many pressing problems of American education. Neither will these problems be faced squarely at the Federal level as long as education fares as poorly as it now does in budget, personnel, and the attention of top-level executive leadership.

Thank you, Mr. Chairman.

Chairman RIBICOFF. Thank you. I would like to ask the three of you this question, the critics of the separate Department of Education say you should be very careful in breaking Education away from Health and Welfare, that it will disrupt a longstanding alliance among the three.

It is this contention that the health and welfare of a child is directly related to his ability to learn, and, therefore, it is necessary to link social programs.

Does this link now exist in HEW, and do you see the creation of a separate department hurting the total child?

Dr. BAILEY. Mr. Chairman, I might indicate, a little more than 1 year ago, Wilbur Cohen sent a note around to some of us making exactly the point you have made here, the importance of having HEW's Secretary look at these three important human resource areas together. I have known Wilbur I guess as long as you have. I wrote him back, saying "give me one illustration during the entire history of HEW, when any Secretary, including the distinguished Wilbur Cohen, ever had a chance to look at those three issues together."

I never had any response.

Chairman RIBICOFF. If Wilbur could not give you the answer, no one else could, but they keep on repeating that cliche.

Rufus, you have been in HEW's administration so long, what do you want to say?

Mr. MILES. In all my years at HEW, I never saw any significant coordination of programs and functions between the Office of Education and the other components of HEW.

Actually the important coordination that needs to be undertaken is not so much between the Office of Education programs and the health and welfare programs within HEW, but between education and as it exists within the Education Division of HEW, and the education programs of the rest of the Government. This is by far the most important form of coordination that needs to be undertaken.

This coordination within HEW is simply a figment of the imagination.

Chairman RIBICOFF. And has this lack of coordination done harm to the "total child"? And has this lack of coordination done harm to because of these three being linked together?

Dr. HALPERIN. There is some appeal to the notion of a Department of Education and Human Resources, or Human Development, but in reality, as Mr. Kissinger said, coordination is largely distinguished by its absence.

The Office of Education's bureau responsible for the education of handicapped seldom has conversations with the Vocational Rehabilitation Administration. The people dealing with early childhood in the Office of Education seldom deal with Head Start and Office of Child Development. That should be changed. I know Mr. Califano is interested in doing so, and is making inroads, but I do not believe our two-decades-old experience with the Department indicates that the probabilities are very great, or that they should put off this committee from doing its duty with regard to the evaluation of education.

Chairman RIBICOFF. What do you feel about education policy, do you think education policy for the Nation could be improved if you had a separate Department of Education?

Dr. BAILEY. Mr. Chairman, I would like to give one illustration that really back up what Rufus Miles just said, of the present problem of trying to get any kind of coordinated policy in education.

As you know, I have spent the last several years as vice president of the American Council of Education.

I have had a window through the American Council to the world of higher education. We at ACE were constantly put on the spot because we found that two of the most important educational programs of the Federal Government are not in the Education Division of HEW. One is in the Veterans' Administration, the GI bill, and one under social security.

The way in which budgets are kept in OMB, and even in the Congressional Budget Office, make it very difficult for either the OMB, or CBO to look at the relationship of the GI bill or social security to student aid, work study, et cetera.

Surely, if there were a department that had as one of its responsibilities the coordination of Federal programs in eduction, there would be a mandate to look at those programs together and to see their relationships.

Mr. MILES. I fully support that view, and in fact, it was one I emphasized very strongly in my longer report on the subject.

There is no question about that.

Dr. HALPERIN. I would tend to be conservative, and avoid overselling. I do not believe the creation of a cabinet-level Department of Education will produce in and of itself unified or better policy in the field of public education, but it can help.

It would be better than the present situation. We need to recognize that there are many, many Federal policies now that are made in numerous agencies, about 40, and in numerous committees and subcommittees of the Congress, perhaps 20 or 30, so to really straighten out educational policy will take work all across the line, in the Congress as well as in the Executive, but it is important to have as my colleagues have said a focal point. You want people worrying full time about education programs and education policies, so that in the bill before us, I hope we will have a focal point for improved educational policy.

Chairman **Ribicoff**. Now, I wonder how the two of you react to Mr. Miles' statements in his report on the Cabinet Department of Education, stating that an Education Department should not be in the business of running schools, and, therefore, our bill should not include the transfer of the Department of Defense schools, the Agriculture Department's graduate school or the Indian schools of the Department of Interior.

What is the position of the panel on this, and maybe Mr. Miles would like to expand a little fuller.

I wonder how you would feel, Dr. Bailey, Dr. Halperin? Is there validity, or do you disagree with Mr. Miles?

Dr. **Bailey**. I agree with Mr. Miles on this issue. Again, there is no way of taking all of the educational programs of the Federal Government, and bringing them together.

I think philosophically, we still ought to be wary of the Federal Government's conducting the retail operation of school systems.

We have a hostility in the Congress, in many ways justified, to federally imposed curriculum, to nationally imposed school programs.

I think there is some safety in having the operating programs of other departments, where they are actually running schools, removed from the Cabinet department we are talking about, and I really see no reason whatsoever for transferring the graduate school of the Department of Agriculture. It is not really a graduate school; it is a marvelous adult-education service. It has been a prestige item for the Department of Agriculture. It has no far-reaching impact on policy, but it is a valuable adult-education enterprise for civil servants. I see nothing added by moving it. In short, I am opposed in principle to trying to consolidate all Federal school operations—partly for the economic reasons that Mr. Miles suggested, partly because it is my feeling we ought not try to centralize educational curriculum and planning in one agency.

Chairman **Ribicoff**. Thank you very much.

Dr. Halperin?

Dr. **Halperin**. I do not have any ideological difficulties with moving those units, but I do not see any great gain to be made in doing so.

There was a fallen leader in this town, and in spite of what happened to him, I think his philosophy was pretty good on the subject. He used to say, "If it ain't broke, don't fix it."

I do believe many of these educational programs are operated pretty well where they are. I had the privilege of visiting the Department of Defense Overseas School some years back, and I was very impressed with the organic relationship between the schools and the military base and the commanders, and the whole military-naval establishment. I would not think it would be a good idea initially to disrupt all of that, and move it into a new Department of Education.

Moreover, I think the first priority is not organizational neatness; the first priority ought to be better management and better elevation of policy consideration.

What we have right now is not being well managed, and we need to take steps to make that happen. I would tend again to be somewhat conservative here and move things into the Department of Education as one got a better handle on operating well what is already before the Education Division, and some other related programs, possibly nutrition, possibly Headstart, and Child Development Services. But I think the committee must be careful in working out the details of what does and what does not go into the new Department.

Chairman RIBICOFF. Dr. Miles, you do not have to expand on your point. I thought these gentlemen were going to disagree with you, but they have agreed with you.

Senator Metcalf?

Senator METCALF. No questions.

[The prepared statement of Mr. Miles and his study and the prepared statement of Dr. Halperin follow:]

PREPARED STATEMENT OF RUFUS E. MILES, JR.

Mr. Chairman and Members of the Committee:

My name is Rufus E. Miles, Jr. I served as Director of Administration and subsequently as Assistant Secretary for Administration of the Department of Health, Education, and Welfare from its beginning in 1953 until my retirement from federal service in 1965. I am currently a Senior Fellow at the Woodrow Wilson School of Public and International Affairs at Princeton University. Last year, at the request of the American Council on Education, I made a study of the organization of educational activities of the federal government that resulted in a monograph entitled, "A Cabinet Department of Education: Analysis and Proposal." Thus, I have a keen interest in S. 991 and other bills to create a Cabinet Department of Education.

I support the creation of such a Cabinet Department for four main reasons. First and foremost, education as a social purpose deserves the kind of attention and emphasis that only Cabinet status can confer. Second, the coordination and rationalization of the hundreds of educational programs throughout the federal government can be done far more effectively under the leadership of an officer of Cabinet rank with a specific assignment from the President than by any lower level official, or by any Secretary of Health, Education, and Welfare, no matter how competent he may be. Third, a Cabinet Secretary of Education would have a stronger voice in the councils of government and could better articulate the justifiable needs of the educational world in comparison with the other strongly competing claims upon the limited financial resources of the nation. And fourth, the removal of the educational component from the current Department of HEW would make that gargantuan department slightly more manageable, or perhaps it would be more accurate to say slightly less unmanageable. Let me discuss each of these reasons more fully.

We are, I am convinced, at a profound turning point in the development of American society, and, indeed, in the evolution of Western civilization. Rapid economic growth, which depended in high degree for its momentum on the steady decline in the unit costs of energy, can no longer be sustained at past rates. Huge increases in per capita consumption of goods and energy-intensive services are not the wave of the future; they are the phenomena of the comparatively brief petroleum era, now approaching its twilight years. The challeneges and satisfactions that have accompanied the growth syndrome are waning; they are no longer the primary motive forces of our culture.

We have no choice but to find new outlets for our creative energies. Those new outlets are likely to be found in the expanded use of the human mind for a wider variety of purposes than has been traditional in our growth-oriented society. We will be moving toward the practice of life-long learning, not just for adaptation to the changing world of work—important as that will be—but for fundamental human satisfactions. Educational institutions will, if they are sufficiently imaginative, be leaders and shapers in the transition from the era of super-speed and super-bigness to a new era of human activities in which knowledge, creativity, the arts, skills, crafts, and other manifestations of culture will move up sharply in our scale of values. Recognition of this cultural shift, now struggling to emerge, will surely lead to the raising of the status of education as a concern of the federal government.

Organizational status is a declaration of the level of importance that the government attaches to any function. In the past three decades many functions of government have been elevated in importancee and made directly answerable to the President—the Council of Economic Advisers, the Departments of HEW, HUD, Transportation, and now Energy, as well as the Council on Environmental Quality and the Environmental Protection Agency. This is by no means a full list but it calls clearly to mind the changing priorities in our national concerns. The most conspicuous omission from this list, in my judgment, is that of a Cabinet Department of Education.

I would call special attention to one effect of raising any function to Cabinet level, an effect that seems curiously unappreciated by some people who stand to benefit most by it. The press, radio and television reporters all give enormously greater coverage to the statements and activities of Cabinet officers than to lesser officials. A Cabinet podium is a junior "bully pulpit", to borrow Theodore Roosevelt's colorful phrase. Subordinate officials, with rare exceptions such as J. Edgar Hoover, have no such amplification of their ideas and announcements. The sub-Cabinet Secretaries of the Department of Defense are virtually unknown to the American public, and the same is true, unfortunately, of the Assistant Secretary for Education of HEW and the Commissioner of Education. Cabinet status would actually elevate the standing of education as a social purpose in the minds of the American people. Many related benefits would flow from that elevation.

Second, the creation of a Cabinet level Department of Education with a clear Presidential delegation to the Secretary to take leadership in the coordination and rationalization of the hundreds of educational programs scattered throughout the government would be of immense public benefit. In my monograph on this subject, copies of which your committeee has, I spelled out in detail just how such coordination should be achieved. I proposed the developmenet of an "Interagency Coordination Plan" which, in the hands of a competent Secretary, could become a far more effective tool than anything that has heretofore been available to chairmen of interagency committees Yet I do not believe that such a tool could be made to work at anything like maximum effectiveness unless it were in the hands of a Cabinet officer with a direct delegation from the President. I shall be glad to discuss this new concept in great depth if the Committee should wish to have me do so.

Those who would keep the educational programs within the current Department of HEW emphasize the importance of coordination among the human services programs of that department. The far more important and the far more difficult task of coordination is that of rationalizing the numerous and scattered educational programs now operated by many departments and agencies. In the whole field of public administration, the most difficult problem, by far, is not how to divide functions most wisely, but how to coordinate them after they have been divided up. No matter how carefully functions are allocated among organizations, there will always be the need for coordinating those that cannot be cleanly put in any single organization. The interdepartmental and interagency coordination problems in the case of education are far more complex than are the needs for coordination with the health and welfare programs of HEW. From a management standpoint, therefore, the President's needs for effective coordination would be much better served by having a competent Cabinet Officer, able to spend a substantial part of his time at such interagency coordination—as the Secretary of HEW cannot—using the device of the Interagency Coordination Plan, than to have the current situation continue.

Not only would such interagency coordination be beneficial to the President from a management standpoint, and to the public in terms of more effective operation of government, but it would be of special benefit to the numerous educational institutions that now are spending what they consider an inordinate amount of time and money in the administration of government regulations of such complexity and inconsistency as to drive administrators to distraction. This is especially true of the higher educational institutions. If the higher educational community could fully visualize the improvements that would be possible under such an approach, I feel sure that the skepticism of many of those who are unenthusiastic about a Department of Education would be much ameliorated.

Third, a Cabinet Secretary of Education would have a much better opportunity than now exists to present the case for educational needs to the OMB and the President. Those who understand the realities of budgeting recognize that the

Secretary of HEW has numerous programs to fight for and he must make hard and limited choices. He cannot give heavy emphasis to any one component of HEW. When the most crucial aspect of the budget process occurs—appeals to the President from the OMB recommendations—the Secretary of HEW can appeal only a very few items to the President; otherwise he is likely to lose them all. A Secretary who presides over a Department with a budget of well over $150 billion—far more than all other domestic departments and agencies combined—is therefore at a great disadvantage in the appeals process, and in the budgeting process generally. The small components of his budget—and education is, by comparison with health and welfare, diminutive—inevitably suffer. Education suffers from the unfairly small amount of attention given it in relation to its social importance by being submerged within a gargantuan department.

I am continually astonished when I hear people in the educational world say that what the educational institutions of the country need is more federal aid rather than a Cabinet Department of Education, as if these were alternatives. They seem to think that they are being offered one or the other, and they would rather have the money. The fact is that without a Cabinet Department, they are very unlikely to get full and fair consideration of their relaive claims on the Nation's budget. It is almost as if they were saying, "We don't really need a full-time, highly informed and prestigious spokesman on behalf of education in the highest councils of government; all we need is the money, just give us the money and we will be happy." This represents an extremely naive understanding of the way the federal fiscal pie is carved up.

My fourth reason for supporting a Cabinet Department of Education is to bring to an end the current intolerable situation within HEW in respect to the operation of educational programs. The dispersion and confusion of responsibilities within HEW among the Secretary, the Under Secretary, the Assistant Secretary for Education, the Assistant Secretary for Evaluation and Planning, the Assistant Secretary for Legislation, the Assistant Secretary for Public Affairs, the Assistant Secretary, Comptroller, and the Director of the Office for Civil Rights, all of whom are overlayed upon the Commissioner of Education and the Director of the National Institute of Education would strain the patience of the most cooperative officials imaginable. The functions of the Assistant Secretary for Education and the Commissioner of Education should be combined in a single person—as would be done if a Cabinet Secretary were created. Nothing but confusion and tension can result from the present division.

Nor would it make sense to try to solve the problem, as some have proposed, by following the Department of Defense model, creating a set of sub-Cabinet Secretaries. This would accomplish none of the three important purposes described above for creating a Cabinet Department of Education and it would not even solve the problem of clarifying responsibilities within HEW. Who would then be the principal spokesman for education in the federal government, the Secretary of HEW or the Secretary of Education? In the Department of Defense, there is no question that the Secretary of Defense is the key spokesman on all important Defense Department policy matters. Power has moved from the three service Secretaries into the Office of the Secretary of Defense. If the Defense Department were being designed from scratch today, it seems certain that the sub-Cabinet Secretaries and their panoplies of Under Secretaries, Assistant Secretaries and all the rest would not be a part of the design. It is not a model now to be emulated by the Department of HEW or by any other department of the federal government.

For these four reasons, I strongly support the creation of a Cabinet Department of Education, as proposed by S. 991. This brings us to the specific provisions of the bill, on which I have a number of comments.

While I am in general in agreement with the composition of the proposed Department, there is one aspect, especially to which I take exception. S. 991 would transfer the schools for dependent members of the armed forces, schools for Indian children, operated by the Bureau of Indian Affairs, and the Department of Agriculture Graduate School into the new Department of Education. This would be a great mistake, in my judgment. The Department of Education should not be involved in the direct operation of schools and colleges. As I said in my lengthy report, if the Department of Education operated the schools poorly, it would be severely criticized; if it operated them well, it would be tempted to try to tell the state, local and private institutions how to run their programs. Both would be most undesirable. In addition, the cost of operating schools for dependent members of the armed forces would surely rise substantially if they were torn loose from the moorings and the logistic support furnished by the Department of Defense at all its overseas bases. The Department of Education would simply have to duplicate various elements of what is now in place in the Department of Defense, all to no good purpose.

In respect to the proposed transfer of the functions of the National Endowment for the Arts and the National Endowment for the Humanities to the Secretary of Education, I would recommend that if these are transferred, the organizations should have their present structure retained, meaning that they would have a semi-autonomous position within the Department. It is a very close question in my mind as to whether these two endowments should be transferred at all, and I feel especially uncertain about the desirability of transferring the National Endowment for the Arts. On the one hand, I would very much like to see the Department of Education invigorated by broadening the conception of education to include those aspects of culture that are associated with the arts. On the other, I recognize that the National Endowment for the Arts has been extraordinarily well administered these past eight years under its present structure. Although much of that can be ascribed to the unusual competence of its chairwoman, Nancy Hanks, I must also admit that its independent status, unsubmerged within any large bureaucracy, has given it an opportunity for creativity that it has used well. I hope, therefore, that the benefits of that independence will be recognized and preserved and the current structure retained either by preserving that structure within a Department of Education, or by retaining the status quo.

I am glad that S. 991 provides for the creation of a fifteen member National Advisory Commission on Education. Chapter VIII of my report was devoted to this subject. I shall not repeat all I said there, but let me make one key point very briefly. To be truly effective, such an advisory commission must have a strong mandate to monitor the health, the vigor, and the effectiveness of the educational institutions and systems of the country and the relationships between the federal government and these institutions and systems. It is more important that the Commission make a report in depth every three or four years than that it make a more superficial report annually. It is important that there be both a strong sense of independence and a habit of continuity of performance. For these reasons, I would recommend that the mandate of the Commission be made more general, that its agenda be a combination of tasks given it by the Secretary and those that are self-generated, that it be able to hire its own staff, including its secretarial personnel, and, not least, that the term of is members should be at least five years instead of the three years proposed in S. 991. Otherwise, its theoretical independence will be virtually meaningless.

One apparent inadvertence in S. 991 that I assume will be corrected is the omission from Section 7.(a)(7) of the National Technical Institute for the Deaf in the enumeration of institutions the general oversight of which would be transferred from the Secretary of HEW to the Secretary of Education.

Finally, I would like to call attention to what seems to me to be an incongruous and unsound authorization to the President to transfer any other agency or instrumentality of the Federal Government which the President determines has functions related to education, in addition to those agencies specifically enumerated in S. 991, and without further reference to the Congress. In theory, at least, this would enable the President to transfer any agency including one or more agencies that the majority membership of the Congress specifically decides to exclude from this bill. I think this provision is without precedent in its unlimited grant of authority to the President to make such reorganization transfers as he may see fit without Congressional approval or even opportunity for disapproval. Moreover, the Federal Interagency Committee on Education seems to me to be an especially inappropriate committee to consider the question of further reorganization transfers since it is made up of parties at interest in holding on to the educational programs they now administer. Since the President recently has been given a renewed grant of authority from Congress to prepare reorganization plans and submit them to Congress for review and either veto or implied approval within sixty days, I should think that this would be fully sufficient as a means of making further transfers that may subsequently appear desirable. Further it would not put the President under the unreasonable time pressures that would occur if he were allowed only 180 days after the enactment of the Department of Education Act to complete such transfers.

If the Committee has any questions, Mr. Chairman, that come within my competence, I shall be glad to try to answer them.

A CABINET-LEVEL DEPARTMENT OF EDUCATION

Testimony on S.991 by
Samuel Halperin
before the U.S. Senate Committee on
Governmental Affairs
October 12, 1977

PRINCIPAL FINDINGS ON FUNDING:

1) Education Division's share of HEW's budget has declined by almost one-third, from 7.9 percent in 1970 to only 5.6 percent today.

2) USOE's share of HEW's spending has fallen even more sharply, from 11.5 percent in 1966 to 5.5 percent today.

3) When budget levels are adjusted for inflation or purchasing power, unlike health expenditures, for example, K-12 education programs have not grown since 1966.

4) Within the internal allocation or "tradeoff" processes of HEW and OMB, education budgets take the sharpest cuts. In 1978, education received an 8.5 percent cut in HEW from OE's budget request and a 15.9 percent cut in OMB from OE's budget request. Other HEW divisions fared far better.

5) Merely to keep education budgets level, the Congress has had to add $1-2 billion annually to HEW and presidential requests.

PRINCIPAL FINDINGS ON PERSONNEL:

6) Despite sharp growth in education program responsibilities, Education Division's share of HEW's personnel has declined from 2.9 percent to 2.7 percent.

7) Relative to other divisions in HEW, education suffers from a marked shortage of staff relative to program dollars.

8) Extreme instability marks the tenure of the U.S. Commissionership of Education. In the last twelve years, USOE has had thirteen Commissioners, compared with only four for the Public Health Service.

9) HEW's top education official is a federal executive level IV. The new Department of Energy alone has 21 officials of comparable or higher grade level. The Agency for International Development (with a budget one-fourth that of USOE) has 12 executives who outrank the U.S. Commissioner of Education.

A CABINET-LEVEL DEPARTMENT OF EDUCATION

Testimony on S.991 by
Samuel Halperin*
before the U.S. Senate Committee on
Governmental Affairs
October 12, 1977

The Congress of the United States should create a Cabinet-level Department of Education. It should do so on the basis of two compelling judgments, namely, (1) that education is essential to the well-being of the American people and our form of government, and (2) that its present location and organization within the federal bureaucracy works against the best interests of education. On the second point, I believe that the Congress will find that the present federal organizational arrangements in education produce fragmentation, inefficiency, and a disservice to students of all ages.

If the past is any guide to the future, however, the role of _facts_ in helping to reach these judgments may be small. For on this issue, as in so many others affecting our society, substantial documentation is either absent or may be used to support either or both sides of an issue.

Yet there _is_ persuasive documentary evidence that education suffers from its location in the Department of Health, Education and Welfare. Before presenting some of that evidence for your consideration in reaching a sound judgment, I would like to put the issue in its proper setting as an important matter of public policy.

---

*Mr. Halperin testifies in his private capacity. He is a former Assistant U.S. Commissioner of Education and Deputy Assistant Secretary for Legislation, Department of Health, Education and Welfare. Currently, he directs the Institute for Educational Leadership of The George Washington University.

My main thesis is that education competes, too often unsuccessfully, for attention and resources within the existing Department of HEW. There, such perennially imperative issues as welfare reform, national health insurance, and social security, among others, inevitably occupy center stage. In authorizing a Cabinet post for education, the Congress will be signifying its clear intention that the more significant trade-offs affecting both national educational policy and the allocation of resources ought to be made far more often than is now the case in the White House and in OMB.

Although a favorably disposed President can intervene in behalf of education wherever it sits on the organizational charts, this possibility has materialized on a significant scale only once in our recent history: in 1964-65, when President Johnson made education a central element of the Great Society. Then as now, the U.S. Office of Education was a relatively low-level, undistinguished, and undernourished unit of a larger Cabinet-level Department.

But LBJ, America's education president, is no longer with us. While Mr. Carter has already demonstrated a greater sympathy for educational funding than his predecessor, we need to recognize that education usually fares poorly as a national priority within HEW.

The bill introduced by the distinguished Chairman of this Committee, which is supported by a majority of the Members of the U.S. Senate, recognizes this central truth. By elevating educational concerns to Cabinet level, it would give education the full-time, not part-time, attention of top-level policymakers. It would enable education issues to be considered at the very highest levels of the Executive Branch, rather than sporadically, several levels down in the bureaucratic system. Thus, S.991 would elevate education from its submerged and entirely unsatisfactory status in HEW and provide at least the possibility--if not the certainty--that educational problems will be far better addressed at the federal level than is now the case.

I would like to turn to some factual evidence which persuades me that the present bureaucratic arrangements inadequately serve both education and the nation.

FUNDING

With our tax dollars, we buy civilization, said Oliver Wendell Holmes. With our dollars we also express our sense of national priorities and the urgency of our commitment to a more decent society. In those terms, education is flunking out at HEW.

In gross terms--unadjusted for inflation--the Education Division's outlays have more than doubled in recent years. However, as a share of HEW's total spending, the Education Division's portion has declined by almost one-third, from almost 8 percent in 1970 to only 5.6 percent today:

Exhibit 1

(in billions)	1970	1972	1974	1977	1978
Total HEW outlays	$52.2	$71.8	$93.7	$147.6	$178.6
Education Division's outlays	$ 4.1	$ 4.9	$ 5.0	$ 7.9	$ 9.2
Education Share (%)	7.9	6.8	5.3	5.4	5.6

Exhibits 2 and 3 demonstrate the same point, over a longer time period, in the case of the U.S. Office of Education alone. In 1966, OE accounted for 11.5 percent of HEW's budget. By 1978, that percentage had fallen more than one half to 5.5 percent of HEW's budget.

Moreover, when federal expenditures are adjusted for inflation--to reflect changes in the purchasing power of 1967 dollars--we see that education funding has been frozen for fully a decade. Health expenditures, on the other hand--reflecting the insistent demands of so-called "non-controllable" programs like Medicaid and Medicare--have risen in meteoric fashion, as shown in Exhibit 4.

Exhibit 2

PRESIDENT'S BUDGET, AS SUBMITTED TO CONGRESS FOR 1965-1978

Office of Education Budget As Percentage of HEW and President's Budget

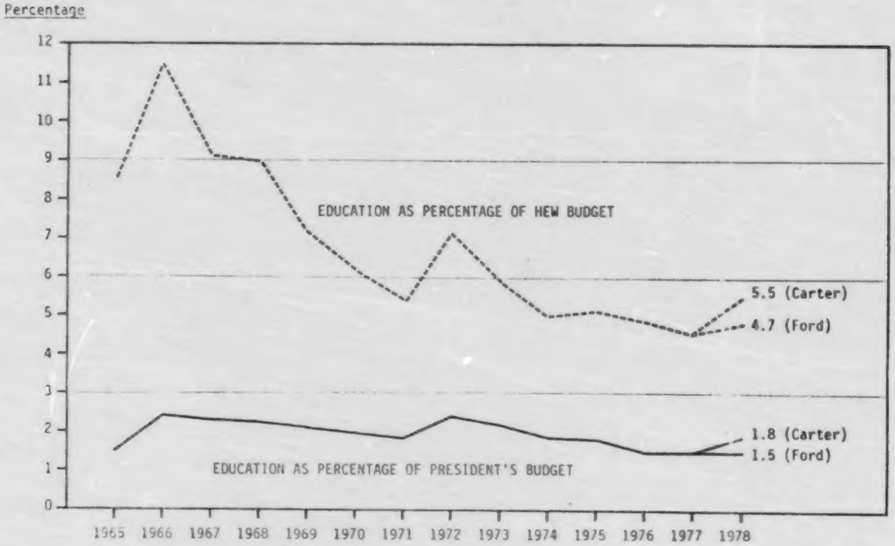


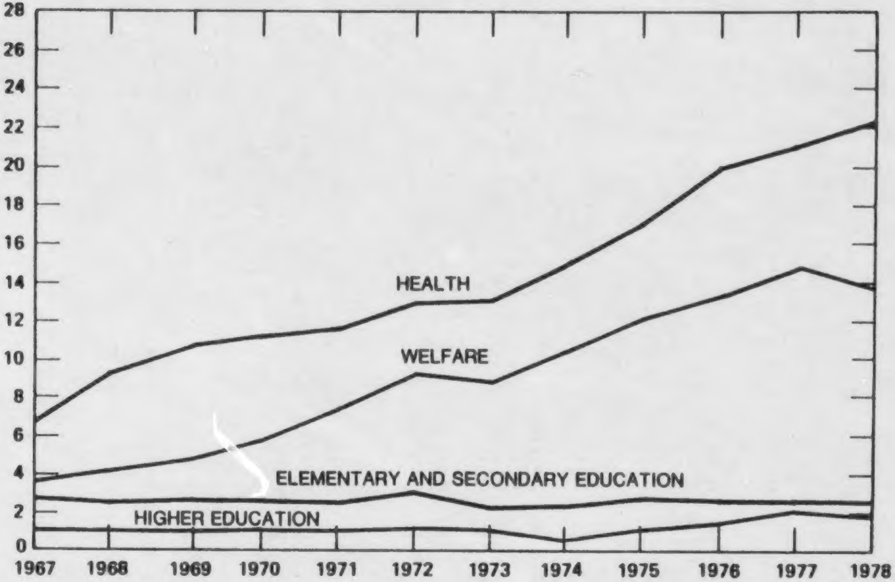
EXHIBIT 3

PRESIDENT'S BUDGET, AS SUBMITTED TO CONGRESS FOR 1965-1978

		Budget for OE (in thousands)	Budget for HEW (in millions)	TOTAL PRESIDENT'S (in billions)	OE as % of HEW	OE as % of Pres.
1965		$2,155,796	$ 25,138	$136	8.5	1.5
1966		3,381,272	29,388	141	11.5	2.4
1967		3,513,087	38,772	164	9.1	2.1
1968		4,064,670	45,136	194	9.0	2.1
1969		3,688,044	51,468	201	7.2	1.8
1970		3,586,856	59,009	210	6.1	1.7
1971		3,557,790	64,775	218	5.4	1.6
1972		5,724,221	78,352	249	7.2	2.3
1973		5,885,736	86,851	270	5.8	2.1
1974		5,097,602	101,879	288	5.0	1.7
1975		6,004,241	113,666	322	5.2	1.8
1976		5,963,390	120,361	385	4.9	1.5
1977		6,793,540	145,029	433	4.6	1.5
1978	(Carter)	9,040,290	162,200	507	5.5	1.8
	(Ford)	7,572,953	161,106	480	4.7	1.5

EXHIBIT 4

FEDERAL HEALTH, EDUCATION AND WELFARE EXPENDITURES
(IN 1967 DOLLARS)



--compiled by Richard Carlson
Stanford Research Institute

Looking more closely at the results of how scarce dollars are allocated within the internal trade-off processes of HEW and OMB, we see that the Education Division takes some of the largest budget cuts in the entire Department. In the original 1978 budget, education funding was savaged relative to other parts of HEW. This is shown in Exhibit 5.

Exhibit 5

FISCAL YEAR 1978 (FORD)

	HEW Decision vs. Agency Request		Budget Approved by OMB/President vs. Agency Request	
	% Change	$ Change (millions)	% Change	$Change (millions)
Health	-3.5%	-$205	- 9.3%	-$ 544
Social Security Administration	-0.1%	- 9	- 0.7%	- 109
Social & Rehabilitation Services	+0.1%	+ 22	- 0.4%	- 86
Office of Human Development	+1.5	+ 28	- 0.7%	- 14
Education Division	-8.5%	- 768	-15.9%	-1,449
Entire HEW	-1.7%	-$931	- 4.1%	-$2,202

Exhibit 6 shows the same trends for earlier years and the adjustments made by President Carter when he assumed office. Clearly, education has suffered severe budgetary reductions not just once but over a long period of time. The increases submitted by President Carter, while a step in the right direction, are miniscule.

These figures demonstrate clearly that, by far, the largest reductions in HEW are levied on the Education Division. They show that education is the prime target for reductions when HEW has to pare spending in order to meet a ceiling set by OMB. Naturally, if education were raised to Cabinet

COMPARISON OF AGENCY REQUESTS TO HEW AND PRESIDENTIAL DECISIONS

(dollars in millions)[1]

	1975				1976			
	HEW Decision		Presidential Decision		HEW Decision		Presidential Decision	
	% Change	Amount	% Change	Amount	% Change	Amount	% Change	Amount
Education Division	-24.0%	-1,999	-26.8%	-2,231	-6.7%	-443	-8.1%	-530
Health	-1.3%	-60	-5.1%	-227	-14.8%	-809	-26.5%	-1,453
Social Security Administration	---	---	---	---	---	---	---	---
Social and Rehabilitation Services	---	-4	-3.6	-533	-3.4%	-505	+3.4%	+510
Office of Human Development	-11.3%	-93	-12.0%	-99	-17.2%	-335	-21.3%	-415
TOTAL[2]	-5.7%	-2,155[3]	-8.2%	-3,090	-5.3%	-2,092	-4.8	-1,889[3]

---

[1] Comparisons are based on (1) Agency requests and HEW decisions; and (2) original Agency requests and President's budget.

[2] Excludes Special Institutions and Departmental Management.

[3] Columns do not add due to rounding.

[4] Agencies did not submit new budget requests after Carter assumed Presidency. Comparisons are between Agency submissions under Ford and HEW/Presidential budgets under Carter.

EXHIBIT 6

EXHIBIT 6, cont.

1977			1978 (Ford)				Revised 1978 HEW Request (Carter)[4]		1978 Carter Budget[4]	
Decision	Presidential Decision		HEW Decision		Presidential Decision					
Amount	% Change	Amount	% Change	Amount	% Change	Amount	% Change	Amount	% Change	Amount
-143	-16.0%	-1,134	-8.5%	-768	-15.9%	-1,449	+7.7%	+700	+0.2%	+18
-299	-22.4	-1,268	-3.5%	-205	-9.3%	-544	+2.0%	+116	-5.5%	-323
---	-0.6	-83	-0.1%	-9	-0.7%	-109	-0.1%	-9	-0.7%	-109
-776	-4.8%	-922	+0.1%	+22	-0.4%	-86	-0.4%	-76	-0.4%	-76
-57	-8.6%	-148	+1.5%	+28	-0.7%	-14	+6.6%	+127	+1.9%	+137
-1,275	-7.5%	-3,554[3]	-1.7%	-931	-4.1%	-2,202	+1.6%	+860[3]	-0.9%	-453

status, reductions in budget requests would still be made at the OMB and White House level. In all probability, however, those reductions would be nowhere as severe as they are now in the structure of HEW.

Some additional comparisons in the current (1978) budget cycle among education and other parts of HEW will demonstrate the central point of this exposition, namely, that as HEW and its programs are now structured, education starts each budget year with a built-in handicap, probably the worst such handicap in HEW. While Congress usually redresses the most egregious budgetary shams, the net fiscal impact for education is the no-win situation shown in the previous exhibits.

Exhibit 7

	FY 1977 COMPARABLE FUNDING LEVEL (000s)	FY 1978 HEW BUDGET REQUEST (000s)	CHANGE IN DOLLARS (000s)	FY 1978 CONGRESSIONAL ACTION (000s)
Health Services Administration	$1,089,904	$1,144,315	+ $54,411	$1,274,586
National Institutes of Health	2,544,014	2,576,371	+ 32,357	2,825,102
Assistant Secretary for Health	77,029	91,513	+ 14,484	93,013
Social & Rehabilitation Service	19,833,798	21,471,035	+1,637,237	20,110,100
Social Security Admin.	13,570,989	14,672,767	+1,101,778	14,172,767
Assistant Secretary for Human Development	1,907,597	1,950,178	+ 42,581	2,195,978
Departmental Management	147,161	168,167	+ 21,006	170,527
Office of Education	9,462,164	8,984,176	-$ 477,988	10,003,159
Education Division	9,566,231	9,133,775	- $ 432,456	10,128,638
Entire HEW	50,835,964	53,093,692	+2,257,728	53,185,537

Far from assuming that a realistic budget for education ought to start with the level of funding provided by the Congress in the previous year (preferably with a small addition to compensate for inflation), top budget and other policymakers at HEW and OMB have consistently forced the Education Division to submit and to defend politically and educationally indefensible budgets. Indeed, for most of the past decade, education's presidential budget at the beginning of a fiscal year has been arbitrarily set well below previous Congressional support levels.

Forced to squeeze HEW spending requests into an overall ceiling set by the White House, HEW's budget makers first provide for uncontrollable expenses, such as Medicaid, Medicare, Public Assistance, Vocational Rehabilitation. By the time education's turn arrives, HEW's budget makers invariably deny the funding levels requested by the Education Division based on current support levels. HEW's allowances, as shown in Exhibit 8 below, are usually about a billion dollars below current spending levels. Moreover, by the time OMB and the President have submitted their final request to the Congress, the gap has grown even wider.

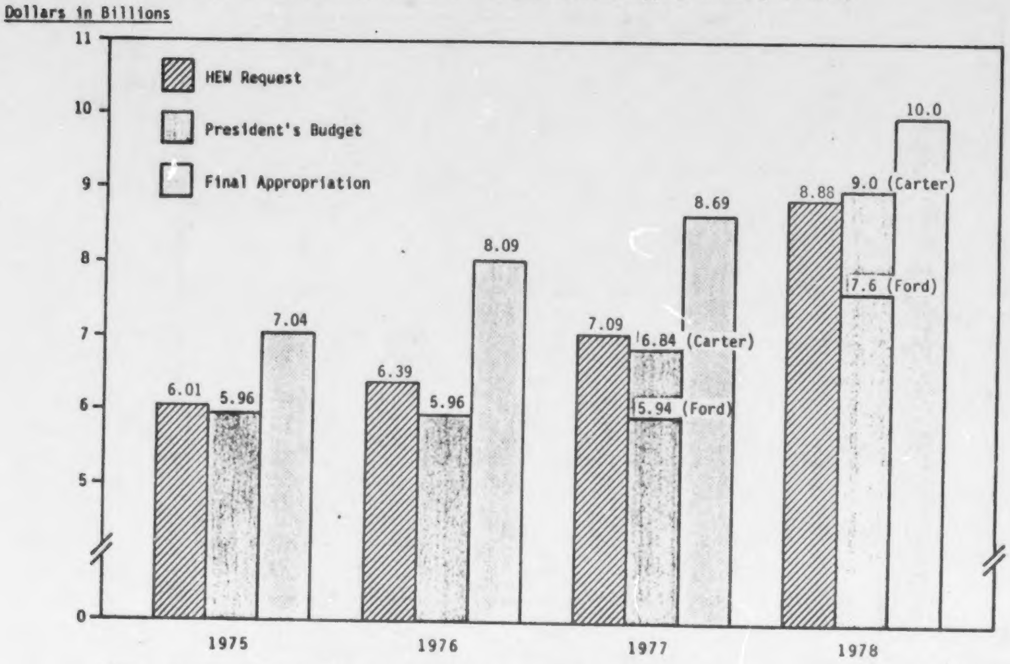
It is then invariably left to the Congress to restore educational funding to at least current support levels. To do so, requires additions of $1-2 billion to the President's budget. Thus, the Congress gets blamed for "fiscal irresponsibility", for "fueling inflation", and even for "destroying the American economy." Worse, Congressional appropriation energies are largely consumed merely in this maintenance effort, distracting the Congress from considering critical policy issues concerning the optimum total federal investment in education, as well as the appropriate mix among programs.

The points I have been making here are further illustrated in the following three Exhibits 8-9-10 (pages 12, 13 and 14).

Exhibit 8

OFFICE OF EDUCATION

History of HEW Requests, President's Budget and Final Appropriation (1975-1978)



(NOTE: FY 1978 Appropriation is assumed to be Conference level.)

Exhibit 9

OFFICE OF EDUCATION

Dollar Increase of Appropriation in Excess of President's Request (1975-1978)

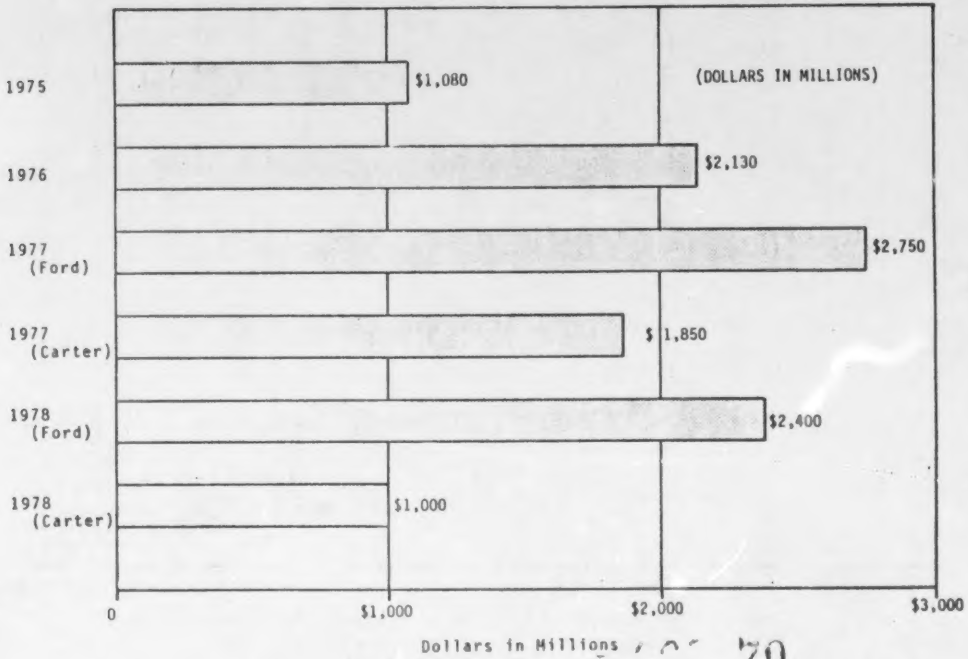
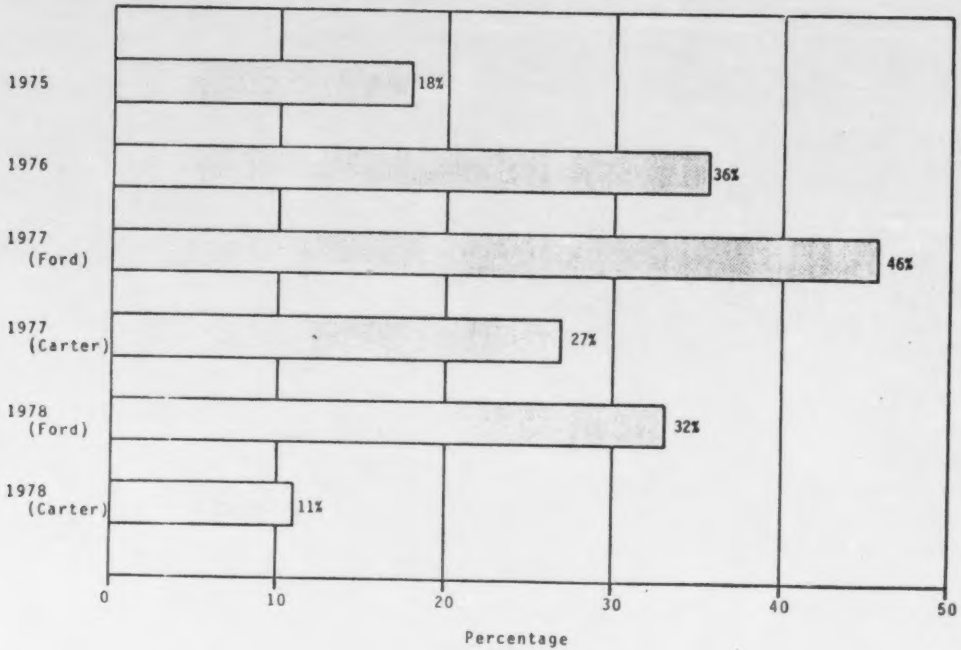


Exhibit 10

OFFICE OF EDUCATION

Percentage Increase of Appropriation in Excess of President's Request (1975-1978)



PERSONNEL

The number of programs mandated to the Education Division in recent years has risen dramatically, from a handful in 1957 and 31 in 1965, to over 130 today.

After new authorities were enacted in 1965, USOE initially received a somewhat larger share of total Department personnel, but that level has been level or declining in recent years,* as shown in Exhibit 11.

Exhibit 11

Permanent Positions	1973	1974	1975	1976	1977 (Est.)
All HEW	114,307	126,692	129,285	136,462	142,300
1) Education Division	3,264	3,553	3,625	3,730	3,854
2) Education Division as % of HEW	2.9%	2.8%	2.8%	2.7%	2.7%

Expressed as a correlation between the percentage of HEW's funds and HEW's staff, the disparity is even greater:

Exhibit 12

	% of HEW's Budget (1977 estimates)	% of HEW's Personnel
Health Programs (except FDA)	3.7%	21.2%
Office of Human Development	1.3	1.1
Education Division	6.3	2.7

---

*Exhibit 11 is based on information provided by USOE. The following data were obtained from HEW:

Permanent Positions, end of year	1965	1966	1973	1977
all HEW	81,741	91,650	115,443	139,750
1) Education Division	1,325	2,135	2,904	3,580
2) Education Division as a % of HEW	1.62%	2.30%	2.52%	2.55%

Even more dramatic, the size of education staff has fallen farther and farther behind the growth of federal appropriations. Today, each employee--professional or clerical--must administer an average of $2.52 million of federal funds annually, up from $1.14 million in 1965.

Exhibit 13

	1965	1966	1973	1977
Total Education Budget (millions)	$1,508	$3,342	$6,349	$9,001
Total $ Administered by each Staff Member (millions)	$1.138	$1.587	$2.186	$2.516

Not incidentally, the relative plight of education's personnel situation has been accompanied in recent years by a vast strengthening of the Office of the Secretary at HEW. In 1976, for example, the entire Education Division had 3,765 permanent positions while the Office of the Secretary had 6,312.

Education's disadvantage is repeated at many points in HEW. Look, for example, at how poorly the vital function of collecting and analyzing educational statistics compares with similar functions in health--notwithstanding that education is a much larger enterprise and by far the greater expenditure of state, local and federal governments:

Exhibit 14

STATISTICS FOR HEALTH AND EDUCATION

National Center for Health Statistics

	1977	1978
Authorized positions	536	547
Appropriation	$28,311,000	$34,136,000

National Center for Educational Statistics

	1977	1978
Authorized positions	179	179
Appropriation	$13,120,000	$13,940,000

Note the facts that HEW's health statistics have more than three times the personnel in educational statistics and that the 1978 budget increases expenditures for health statistics by almost a quarter, while giving educational statistics barely a boost to account for inflation.

Looking at leadership positions, it should greatly concern the Contress that education suffers enormously from extreme instability of tenure in the Commissionership of Education. During the period 1965-1977, there have been only four Surgeons General heading the Public Health Service. In stark contrast, during those same dozen years, the Office of Education has been headed by thirteen Commissioners, five of them on an acting basis. (Indeed, the five acting Commissioners held office for almost one-fourth of this twelve-year period.) I need not elaborate on what such extreme instability of leadership means to the health of any organization, let alone one charged with the effective implementation of so many critical statutes and some $10 billion a year of the taxpayers'

I cannot believe that education would suffer from such instability if its top federal official enjoyed the prestige and the clout of a Cabinet-level position.

In any case, it seems clear that education does not begin to enjoy the high-level personnel support that it would have were it to be designated a Cabinet-level Department. Presently, the entire Education Division is headed by an Assistant Secretary, a Level IV in the federal executive scale. (The Commissioner of Education and the Director of the National Institute of Education are merely Level Vs. At the present time, incidentally, 36 officials in the U.S. Office of Education earn exactly the same salary as their superior, the Commissioner.)

In sharp contrast, in the new Department of Energy, the Congress has seen fit to provide a Secretary (Level I), a Deputy Secretary (Level II), an Under Secretary and one other Level III, and fully seventeen Level IV positions. Education: one; Energy: twenty-one at the same level or higher!

Some other federal agency comparisons may also interest the Committee: At the Department of State, there were (as of November 8, 1976) twenty Executive Level IVs and five higher grades. State: 25; Education: 1. At Treasury, nine Executive Level IVs and six higher grades. Treasury: 15; Education: 1. Even at the Agency for International Development (AID), whose FY 1978 budget for bilateral development and security supporting assistance is only $2.7 billion--about one-fourth that of the U.S. Office of Education's budget--there are ten Level IVs and two higher executives--12 officials with higher rank than the U.S. Commissionership of Education (again, a Level V). Does the Congress really believe that foreign aid outranks educational assistance to our own people by so wide a margin?

* * *

CONCLUSION

A Cabinet-level Department of Education will not in and of itself solve the many pressing problems of American education. Neither will these problems be faced squarely at the federal level as long as education fares as poorly as it now does in budget, personnel and the attention of top-level executive leadership.

Chairman RIBICOFF. Gentleman, there could be a few more questions, but the bell has just rung for a vote, and I do want to thank you for your time, and your valuable help.

(Questions submitted by Senator Ribicoff with responses from Mr. Miles, Dr. Bailey, and Dr. Halpern follow:)

ABRAHAM RIBICOFF, CONN., CHAIRMAN
JOHN L. MC CLELLAN, ARK.
HENRY M. JACKSON, WASH.
EDMUND S. MUSKIE, MAINE
LEE METCALF, MONT.
THOMAS F. EAGLETON, MO.
LAWTON CHILES, FLA.
SAM NUNN, GA.
JOHN GLENN, OHIO
JIM SASSER, TENN.
CHARLES H. PERCY, ILL.
JACOB K. JAVITS, N.Y.
WILLIAM V. ROTH, JR., DEL.
TED STEVENS, ALASKA
CHARLES MC C. MATHIAS, JR., MD.
JOHN C. DANFORTH, MO.
H. JOHN HEINZ III, PA.
RICHARD A. WEGMAN
CHIEF COUNSEL AND STAFF DIRECTOR

United States Senate
COMMITTEE ON
GOVERNMENTAL AFFAIRS
WASHINGTON, D.C. 20510

October 26, 1977

***Dr. Stephen K. Bailey
Professor of Education
Harvard University
Cambridge, Massachusetts 02138

Dear Dr. Bailey:

I very much appreciate your testifying before the Governmental Affairs Committee two weeks ago on legislation to create a separate, Cabinet-level Department of Education in the Federal government.

Your testimony provided the Committee with valuable insights into the deficiencies of the delivery and structure of Federal education programs and services. We will surely draw upon your statements as this important legislation moves through the legislative process.

There are two additional questions which, because of time limitations, were not asked at the hearings. Your answers to them would be helpful to the Committee in our deliberations on the bill. I would appreciate your submitting written responses for the hearing record by November 10:

1. One possible option to a separate Department of Education has been the inclusion of the Education Division and additional human service programs (other than Head Start and the school nutrition programs already in S.991). Included might be HEW's entire Office of Human Development and some limited training programs. How would you view such a Department?

2. If the positions for Assistant Secretary for Education and the Education Commissioner were combined and the chief position for education was given higher status, a bigger budget and more staff, would this accomplish your objectives for a better Federal education policy without the need of a separate Department? Why or why not?

Again, thank you for your fine contribution to these hearings.

Sincerely,

Abe Ribicoff

***THIS LETTER ALSO ADDRESSED TO: Dr. Rufus Miles
Dr. Samuel Halperin

RESPONSES FOLLOW.

NOV 3 1977

Harvard University
Graduate School of Education
Programs in Administration, Planning & Social Policy

Monroe C. Gutman Library · 6 Appian Way · Cambridge, Massachusetts 02138

GOVERNMENTAL AFFAIRS COMM
RECEIVED
NOV 4 1977
WASHINGTON, D.C. 20510

Com

November 1, 1977

Senator Abe Ribicoff
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Abe:

Thank you for your good letter of October 26th. I was pleased to testify before your Committee on the question of the separate Department of Education.

Two questions you raised in your letter are from my point of view fairly easily answered. On issue 1, I see no reason why an Office of Human Development tied in with the Education Division of HEW might not be a viable department. I know there is some sentiment in the White House for a Department of Education and Human Development. I would not want to see this extended indefinitely. Limits of the kind I suggested in my testimony should obtain but a Department of Education and Human Development is from my point of view a viable option.

As to the second question: an internal reorganization of HEW moving the Assistant Secretary for Education and the Education Commissioner together and giving them a higher status, a bigger budget and more staff, I will simply have to state flatly that this would not meet the objectives I have for a better federal education policy. The two great issues of welfare reform and medical services would still dominate the Secretary's time. The interdepartmental function of coordinating educational policies throughout the government could not in my estimation be performed by someone at an under-Secretary level. In short I think the second recommendation would be not just the enemy of the best but the enemy of substantial progress in elevating education to the status it needs and deserves.

Warm personal regards,

Sincerely,

Steve

Stephen K. Bailey
Professor of Education & Social Policy

SKB:mds

Princeton University
WOODROW WILSON SCHOOL
OF PUBLIC AND INTERNATIONAL AFFAIRS
PRINCETON, NEW JERSEY 08540

NOV 9 1977

November 7, 1977

GOVERNMENTAL AFFAIRS COMM.
RECEIVED
NOV 10 1977
WASHINGTON, D.C. 20510

Senator Abe Ribicoff, Chairman
Senate Committee on Governmental Affairs
United States Senate
Washington, D.C.

Dear Senator Ribicoff:

Thank you for your letter of October 26. I was happy to respond to your committee's request to testify on S. 991. It was a pleasure to renew contact with you.

You ask for my reaction to the proposal to include in a Department of Education all of the programs now included within the Office of Human Development of HEW and "some limited training programs". Presumably the latter would be transferred from the Employment and Training Administration of the Department of Labor, although these were not identified in your question.

If a department of this kind were to be created, it would be tantamount to the creation of a Department of Education and Social Services, almost a Department of Education and Welfare. I believe that such a combination would be extremely unwise for the following reasons:

The governmental programs of education and social services have no more functional affinity at the federal level than they do at the state and local levels. Nowhere in the United States have state and local officials considered these functions to have sufficient cohesiveness to be grouped within a single organization under the chief executive. Even the range of disciplines and activities within education itself, from early childhood education through elementary and secondary schools, vocational, adult and continuing education, and all the components of higher education, is so great that higher educators have a hard time understanding the problems of elementary and secondary education, and vice versa. Yet they know they share a purpose and a profession which makes it logical, and under favorable circumstances acceptable, that they should become partners within the same broad organization. There is need for establishing better linkages between these components, a need that would place significant demands upon the skills of a broad gauge Secretary of Education. To ask such a Secretary to become equally versed in the very different set of problems and professional skills contained within the rubric of social services would be to ask for something that is unrealistic and unreasonable. A marriage of these disparate programs would have neither a blissful honeymoon nor any period of congeniality.

Included within the classification of social services administered through the Office of Human Development are such activities as day care, foster care, services to the mentally retarded, services to alcoholics and drug addicts, family planning services, homemaker services, protective services for abused children, services to the aged who are unable to care for themselves, and numerous other health and welfare services. Congress has authorized $2.5 billion for these purposes. These belong in the same department that administers the income maintenance programs for the poor--public assistance and Supplemental Security Income (both of which, together with food stamps, would be combined and replaced with a new cash assistance program under the proposed "Better Jobs and Income" program). So, too, does the vocational rehabilitation program.

It would make far more sense to group the administration of grants for social services with the Employment and Training Administration of the Labor Department and have a Department of Labor and Welfare than to group it with education. This would be especially necessary if the Administration's "Better Jobs and Income" program were to be enacted, since effective linkages would be essential under that program between the state employment services, the local prime sponsors of CETA jobs, the cash assistance programs (administered by the states at their own option) and such social services as day care and physical and vocational rehabilitation. Even at best this coordination would be difficult; it would be almost impossible if the responsibility (and the money) for these programs at the federal level were divided between three departments--Labor, Education and Human Development, and HEW (the name of which would presumably be changed, but which would continue, under the proposal, to be responsible for the cash assistance part of the total program). This trifurcation would occur if the Administration's program were enacted and a Department of Education and Human Development were brought into being.

The abolition, last spring, by HEW of the Social and Rehabilitation Service and the reassignment of its cash assistance programs to the Social Security Administration and its social service programs to the Office of Human Development was, in my judgment, a step in the wrong direction. There should be close linkages between the cash assistance programs for the poor and the social service programs. While there is merit in the argument that the same individuals who determine a family's entitlement to cash assistance should not be the ones who are assigned to counsel the families as to how best to become more self-reliant and self-sustaining, this does not mean that the programs that are designed to aid families that find it difficult to cope with the complexities of our society should be widely separated from one another. They need common direction and effective coordination. Most of these services are administered at the state level through the same organizations; it is far easier to achieve good coordination at the federal level, at the state level, and at the local level by assuring that lines of communication and leadership are simplified. They were complicated instead of simplified by the HEW reorganization that broke up the Social and Rehabilitation Service.

The transfer of the income maintenance and social service programs to the Department of Labor, with or without change of the name of the Department, may prove politically difficult, but at least it has the merit of grouping at the federal level the functions that most need close coordination at the state and local levels where the services are actually delivered. That should be an extremely important consideration in the making of judgments about the reorganization of those programs of the federal government that are not administered by it, but by state and local governments.

In respect to the second of your two questions, concerning the consolidation of the positions of Commissioner of Education and Assistant Secretary for Education, this would certainly be an improvement over the current, extremely awkward and unsatisfactory division of responsibility between the two officials, but by no means a satisfactory long-range solution to the organizational problem. It would still leave education on the bottom rung of the HEW ladder, with a Secretary who is necessarily preoccupied with non-educational matters. The new educational official--whatever his or her title--would thereby have internal frictions reduced but would not be able to exercise the necessary leverage in respect to the other officials of government, nor could the official attract the needed kind of attention to educational issues that a Cabinet officer can highlight but lesser officials cannot.

This problem can be illustrated by the recent amendment of the Executive Order establishing the Federal Interagency Committee on Education to designate the Secretary of HEW as the chairman, instead of the Assistant Secretary for Education. At the first meeting thereafter, when it was learned by other agencies that the Secretary of HEW would not be present, they sent lower level officials to the meeting and it was of little consequence. A Cabinet Officer--especially if he or she is given a specific assignment by the President for interagency coordination in a particular functional area--can achieve immensely more than lower level officials if he takes the role seriously and personally chairs the meetings and follows up on issues. This is what could and should happen if a new Cabinet level Department of Education is brough into being.

I hope these comments will be useful to your committee. If I can be of further help, please let me know.

With warm regards,

Sincerely,

Rufus Miles

Rufus E. Miles, Jr.
Senior Fellow

REM/slr

INSTITUTE FOR
EDUCATIONAL
LEADERSHIP

THE
GEORGE
WASHINGTON
UNIVERSITY

Suite 310
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Samuel Halperin
Director
(202) 833-1737

Education Policy
Fellowship Program
(202) 223-5415

Educational Staff Seminar
(202) 293-3166

The Associates Program
(202) 785-4991

Postsecondary Education
Convening Authority
(202) 833-2745

"Options in Education"
over National Public Radio
(202) 785-6462

The Career Education
Policy Project
(202) 833-9051

Family Impact Seminar
(202) 296-5330

Washington Policy Seminar
(202) 833-1737

November 15, 1977

Dear Senator Ribicoff:

In response to your letter of October 26, my views on your two questions follow:

(1) Conceptually, I favor combining the present Education Division with HEW's Office for Human Development Services. Such a merger could facilitate joint planning and action in fields which have too long been isolated and fragmented. It is unacceptable practice for there to be so little communication and cooperation among, for example, OHDS's Head Start and Office of Child Development and USOE's Follow Through and Title I; among USOE's programs for the education of the handicapped and OHDS's vocational rehabilitation services; among the Administration on Aging and the Education Division's new strategies for lifelong learning; among USOE's vocational training and the social services programs of OHDS.

However I do not think it essential or even desirable that the Education Division and OHDS be merged at the onset of the creation of a new Department of Education. Indeed, prudent management would indicate that the new Department would have its hands more than full with the task of making existing education programs work better and in concert with each other. I would like to see 1-2 years devoted to the upgrading and streamlining of the federal role in education, as expressed through a Cabinet-level Department of Education, before rushing headlong into a vast and possibly indigestible merger. Once a strong foundation has been built, tough management installed, and the civil service strengthened and improved, I see definite benefits from the closer organizational ties signified by a Department of Education and Human Development.

(2) Combining the positions of Assistant Secretary for Education and U.S. Commissioner of Education would be an improvement but would in no way address the basic problem inherent in

education's submerged status within the huge Department of HEW. To reverse priorities and to upgrade the status of education, not merely elevate it within HEW, it must be given a chance to compete on more favorable terms for scarce resources with other aspects of contemporary society whose interests are promoted and organized by Cabinet-level departments. While the merger of positions indicated in your question would be greatly preferable to the status quo, this step fails to address the fundamental weakness of education in the Executive Branch.

As I testified: "A Cabinet-level Department of Education will not in and of itself solve the many pressing problems of American education. Neither will these problems be faced squarely at the federal level as long as education fares as poorly as it now does in budget, personnel and the attention of top-level executive leadership."

Sincerely yours,

Samuel Halperin
Director

Honorable Abraham Ribicoff
Chairman
Committee on Governmental Affairs
U.S. Senate
Washington, D.C. 20510

A Cabinet Department of Education

ANALYSIS AND PROPOSAL

By

RUFUS E. MILES, JR.
Senior Fellow, Woodrow Wilson School of Public and International Affairs
Princeton University

PRELIMINARY EDITION

The views expressed in this study are the author's and do not necessarily reflect those of the American Council on Education or its Board of Directors.

AMERICAN COUNCIL ON EDUCATION
Washington, D.C.

CONTENTS

Foreword, by Roger W. Heyns v

Introduction vii

Summary of Conclusions and Recommendations 1

I. The Dynamic Social Context of American Education 13

II. Purposes of Federal Leadership and Intervention in Educational Programs and Systems 21

III. Previous Organization Studies 38

IV. Criteria for Judging Alternative Models of Organization 55

V. The Problem with "Education" as an Organizing Concept 68

VI. Six Organizational Models: Their Advantages and Disadvantages 75

- A. The Existing Department of Health, Education, and Welfare
- B. A Department of Human Resources
- C. A "Super-Department" of Human Services, with Several Sub-Cabinet Departments
- D. A Department of Education
- E. A Department of Education and Human Development
- F. A Department of Health, Education, and Science

VII. Possible Additions to a Department of Education 99

VIII. A Federal Advisory Commission on Education 107

IX. A New Concept in Departmental Leadership and Program Coordination 115

X. The Role of the White House, the Office of Management and Budget, and the Office of Science and Technology Policy 128

References and Notes 134

Appendixes

- A: Perspectives and Positions of the Various Groups Concerned with the Federal Role in Education 136
- B: Commissioners of Education, 1953-1976 141

FOREWORD

Education in the United States has traditionally been a function of state and local governments or of private efforts. The word "education" does not appear in the U.S. Constitution. The Tenth Amendment, which reserves to the states or the people those powers not specifically enumerated in the Constitution, succeeded until recent decades in restraining direct federal interventions in education. It is true that the Morrill Act of 1862 and the Office of Education Act of 1867 were exceptions. So were the Smith-Hughes Act of 1917 and a number of New Deal programs of the 1930s. But not until after World War II, and especially after Sputnik in 1957, did the federal presence in education become large enough to raise issues about appropriate organization for these involvements within the executive branch structure.

Today, federal educational programs are numbered in the hundreds, costing tens of billions of dollars. Two score federal departments and agencies are deeply involved in educational grants, services, and regulations. Federal influence over various aspects and all levels of American education is substantial and is increasing.

The American Council on Education, believing the time has come to take a serious look at an old idea--a possible Cabinet Department of Education--asked Rufus E. Miles, Jr., former Director of Administration, Department of Health, Education, and Welfare, and possibly the nation's leading expert on DHEW's structure, to develop a staff paper that would illuminate the options and the advantages and disadvantages implicit in the creation of such a new department.

It is the American Council's hope that this study will inform interested citizens and government officials in the days ahead.

The study was made possible by a grant from the Ford Foundation.

Roger W. Heyns, President
American Council on Education

INTRODUCTION

This study was undertaken in May, 1976, upon the initiative of the American Council on Education. The Council requested the author to conduct the study because of the wide interest in the federal organization of education functions and the need for a more careful analysis than had previously been undertaken. The Council stipulated that the study should be entirely in the hands of the author, not an institutional product of the Council. The Ford Foundation agreed to finance it on this understanding, with the further request that the author create an advisory committee to aid him in designing the study and in reviewing and commenting on his report, especially its conclusions and recommendations. This was promptly done. The Advisory Committee, chosen by the author, consisted of the following members:

Stephen P. Bailey, Vice-President
American Council on Education
One Dupont Circle
Washington, D. C. 20036

William B. Cannon, Vice-President
for Business and Finance
University of Chicago
5801 S. Ellis Avenue
Chicago, Illinois 60637

Joseph S. Duffey
General Secretary, AAUP
One Dupont Circle
Washington, D. C. 20036

Chester Finn
Research Associate
The Brookings Institution
1775 Massachusetts Avenue, N.W.
Washington, D. C. 20036

Samuel Halperin, Director
Institute for Educational Leadership
George Washington University
1001 Connecticut Avenue, N.W.
Washington, D. C. 20036

James F. Kelly
Executive Vice Chancellor
State University of New York
99 Washington Avenue
Albany, New York 12210

David S. Mundel*
Deputy Assistant Director for Human
 Resources and Community Development
Congressional Budget Office
House Annex No. 2
Washington, D. C. 20215

John C. Pittenger
Secretary of Education
Commonwealth of Pennsylvania
Room 317, Education Building
Harrisburg, Pennsylvania 17126

Marvin R. Reed
Communications Director
New Jersey Education Association
180 West State Street
Trenton, New Jersey 08608

Ralph Tyler, Director Emeritus
Center for Advanced Study of the
 Behavioral Sciences
c/o Science Research Associates
259 E. Erie Street
Chicago, Illinois 60611

The Committee was extremely helpful. There were, of course, significant differences of view among committee members, themselves, and between various committee members and the author. The author takes full responsibility for the conclusions and recommendations which is by no means the same as taking credit for whatever ideas seem meritorious. For these, I am indebted to many people, both those who served as members of the committee and those whom I and my research assistant, Kevin McIntyre, interviewed. These are too numerous to list. We appreciate the candor of all who made the study possible, and record our deep sense of gratitude and obligation to each.

Three persons not on the advisory committee who read the report in draft and made very helpful comments were Roger W. Jones, former Deputy Director of the Bureau of the Budget and former Chairman of the Civil Service Commission; Don K. Price, Dean of the John F. Kennedy School of Government at Harvard; and Harold Seidman, Professor of Political Science, University of Connecticut and for many years chief of the Government Organization Branch of the Bureau of the Budget. Their counsel, as always, was wise. I am also indebted to three former Commissioners of Education -- Francis Keppel, Harold

*Mr. Mundel's participation was as a technical consultant; he did not involve himself in the consideration of the conclusions and recommendations.

Howe II, and Terrel H. Bell -- for their thoughtful observations derived from much direct experience. Two members of the staff of the American Council on Education -- Charles Saunders and John F. Hughes -- have also been unusually helpful.

Finally, I should like to express a special word of appreciation to Kevin-John McIntyre who served as my research assistant. Without his imaginative, energetic, and constructively critical help, the study could not have been completed nearly as rapidly and effectively as it was.

Purpose of the Report

This report has been written with four audiences in mind. The most immediate and, it is to be hoped, the most important audience is the man who will be elected President on November 2, 1976, and those advisors who will assist him in arriving at judgments on important policy and organizational issues affecting American education. The second is the Congress, and more specifically the committee members and staffs who will affect and be affected by the various policy issues and reorganization proposals described herein. The third is the substantial group of educators who are interested in seeing that a more coherent and far-sighted set of relationships between the federal government and the educational systems of the country is developed. Finally, there is the "public administration community": the practitioners, scholars, students and the wider public that takes a special interest in government organization.

A necessary springboard for this study is a brief description of the changing dynamics of education in American society and the changing demands being placed both on the Nation's educational institutions and the various levels of government that support them in whole or in part. Only after considering the key dynamics of change can a President, a Congressman, or an educational policy maker weigh thoughtfully the factors that should shape organizational decisions. A President or a Congressman must first decide what is to be achieved by any reorganization proposal. The same is true of numerous other participants in the decision-making process, in and out of government. This study is intended to aid in such an analysis.

Another key purpose of the study is to demonstrate how different are the organizational issues in respect to education -- a function that has developed in the United States as a state, local and private responsibility -- than they are in respect to other functions which are basically or predominantly federal activities.

A third major purpose is to offer policy makers a more careful analysis and evaluation of a variety of alternative organizational models than they might otherwise have, and a suggested list of criteria by which to judge the models.

The institutional structures of American education are faced with more difficult challenges than most Americans realize and more difficult than many educational leaders and administrators are wont to recognize. It will take an unusual level of statesmanship among those who have a stake in the educational enterprise, not only to ride out the rough times ahead, but to find new ways of serving the American public in such a way as to make more effective use of limited resources than has been necessary during most of the post World War II era.

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

1. American education is faced with more difficult challenges than is generally realized.

Profound social trends beyond the control of educational leaders will cause increasingly difficult problems for American education. These include: (1) the demographic recession, (2) the slow-down in long-term economic growth rates that will restrict the financial support of educational institutions, (3) the persistent effects of social, economic and cultural deprivation on minority groups, (4) intolerably high rates of structural unemployment among youth, with major secondary impacts on educational institutions, and (5) changing public desires, needs, and expectations in respect to education. Effective leadership at all levels -- especially the federal level -- is needed to aid both individuals and institutions accommodate to these profound changes and assure the improvement of educational services.

2. Relationships between the federal government and the educational systems of the Nation are now in poor repair.

During the 1960's, federal programs of aid to educational systems proliferated rapidly with little realization by responsible officials of their cumulative and uncoordinated impact on the educational systems. The federal government is perceived by various state officials as contributing some 8 per cent of elementary and secondary school budgets and behaving as if it were the senior and managing partner of the educational enterprise. Governors, legislators, chief state school officers, and state boards concerned with all levels of education generally feel that they have been inadequately consulted and even ignored in considering the design of legislation and the development of regulations affecting the programs for which they have primary responsibility. Congress and the executive branch have, in consequence, created detailed program controls without understanding the difficulties of administering them and other adverse and at least partially avoidable effects. Congress and the executive branch should now accept and share responsibility for re-examining these programs and redesigning and simplifying those that require revision, this time in close cooperation with state, local, and university officials who must administer them. A coherent philosophy of relationships that can enlist the support of responsible officials at all levels is urgently needed.

3. First-rate leadership to cope with the range of educational issues is virtually impossible under the present Department of HEW, and would be even more unlikely in an enlarged Department of Human Resources.

Educational issues are of low priority within a department concerned with the development of complex new health insurance legislation, bringing under control the widespread and costly abuses in the Medicaid program, devising new legislation to federalize welfare or create a new income maintenance program, determining what to do about the excessively rapid growth in the cost of Social Security, coping with interminable problems of food, drug, and vaccine regulation, and dealing with scores of difficult civil rights issues. No HEW Secretary can devote much time to the exercise of leadership in respect to educational issues, and nobody at lower levels has the leverage to have significant effect. Enlarging the Department -- as was proposed in the Department of Human Resources plan of President Nixon in 1971 and 1972 -- to include all the employment, training, placement, and unemployment insurance functions of the Department of Labor, the nutrition programs of the Department of Agriculture, and several other programs, would further depress the status of educational leadership and make the problems still more difficult of solution.

4. Adequate and balanced consideration of resource allocation for educational programs is unusually difficult in the present Department of HEW, where annual increases for "uncontrollable" programs exceed the total departmental allocations for education.

The "uncontrollable" increases in the HEW budget (the term "relatively uncontrollable" is defined in the President's 1977 budget as meaning those expenditures that are required by law and cannot be reduced without changes in law), have risen from $45 billion in 1970 to $132 billion in the 1977 budget. This is an average annual increase of approximately 15 per cent, primarily to cover needs for Social Security, Medicare, Medicaid, and Public Assistance. These annual increases are greater than the total budgetary allocation for educational programs administered by HEW. Most of the educational programs fall within the controllable category. When uncontrollable requirements are increasing so rapidly, the pressures are unavoidably great to hold down, or cut back the controllable portions of the budget. This is what is happening to the education components of HEW's annual budget. It is part of the explanation as to why Congress has frequently regarded it as necessary to raise the allocation for education above the President's budget. The starting point -- the President's budget -- is, nonetheless, an important factor in determining the ultimate share that educational programs receive as a proportion of the federal budget. Organizational setting and status inescapably affect budget allocations.

5. To improve the federal government's capacity to cope with these problems, a Cabinet-level Department of Education should be created.

Creating a "Secretary of Education" in the President's Cabinet would open the opportunity for a higher level of leadership in respect to educational issues than has heretofore been possible. It could give no assurance that this would happen, since no organizational change can guarantee improved performance. The sine qua non of improved performance is the combination of appropriate organization and officials who have the vision and leadership capacity to grasp their opportunities. A new Department would open the opportunities. It would convey to the American people and to the officials of the executive and legislative branches of both the federal and state governments the importance that the President and other governmental leaders place on education. The news media would pay more attention, the Congress would pay more attention, the people would pay more attention, and the possibilities for dealing effectively with major problems would be much enhanced. Cabinet positions, moreover, are the strongest magnet to attract the Nation's most competent people. Presidents need to be encouraged in the belief that the best politics is to appoint the most competent people to assist them.

6. The Secretary of Education should be a person who is skilled in the art of public leadership and whose perspective and background are broad.

The interests of both the President and the public are best served when a Cabinet Officer is chosen who is perceived as "statesmanlike", that is, as seeking a fair and balanced accommodation across a wide range of contending interests, including the long-range public interest. This would be especially important upon the creation of a new Department of Education. The Secretary should not be, or be perceived as being a representative of any single, large organization, or closely allied group of organizations. The scope of the Department of Education will encompass such a wide diversity of concerns and responsibilities that it is especially important that the Secretary be an unusually broad gauge person, respected by and acceptable to leaders of the educational enterprise, but not chosen by and beholden to them.

7. The new Department of Education should be simple in concept and created by affirmative legislation of the Congress upon recommendation of the President.

For both substantive and political reasons, the Department of Education should be of simple design. It should not bring together all federal programs with an educational label under a single Cabinet official. When the purpose of federal aid programs is primarily to enlarge the opportunities of educationally deprived students and assure greater equity, the programs belong in a Department of Education, but when the purpose is to further the objectives of other mission-oriented agencies (as in the case of ROTC), then such programs, even when conducted by or through educational institutions, should be kept with the mission-oriented agencies. Programs do not become primarily educational simply because they channel money to educational institutions. Any attempt to assemble in a Department of Education all programs that aid students (e.g. veterans' educational benefits) or make grants to educational institutions or systems (e.g. bio-medical research) would be based on unsound organizational theory. It would also be extremely difficult to administer, it would be costly, and it would be politically infeasible.

For Constitutional and other legal reasons, the Department of Education must be created by affirmative legislation -- not by Reorganization Plan -- and should be created upon the initiative and recommendation of the President. Every new Department that requires a new purpose clause and other substantive changes -- as a new Department of Education would -- must, under the Constitution, be created by the affirmative action of both houses of Congress. After a new Department is created, transfers can be made, in or out, by Reorganization Plan, assuming the President's reorganization authority is renewed.

In practical terms, moreover, there are several advantages to creating a new Department of Education of relatively simple design and giving it time to get well organized and staffed and demonstrate its capacity to handle larger tasks, and then consider what, if any additional and more controversial functions might be added to it. Such additions could then be made by Reorganization Plan. This would give the President's more controversial recommendations far greater chance of enactment than as if they were included in an original effort to bring about substantial reshuffling of agencies by conventional legislation. A bill involving complex organizational rearrangements could be delayed interminably (as a Reorganization Plan cannot), amended in numerous and objectionable ways (as a Reorganization Plan cannot), or defeated by a coalition of opponents (as is somewhat more difficult with a Reorganization Plan). A simple model would be likely to escape these hazards and open the way to later transfers into such a Department when, as, and if the President were to decide they were desirable and the time was propitious.

8. The new Department of Education should have a broad enough range of functions to make clear that it is not merely an upgraded Education Division of the Department of HEW; its purpose clause should be such as to include programs of learning and expression not encompassed by traditional educational institutions; the Secretary should be given an explicit assignment to be the principal official of the federal government concerned with the intergovernmental and interagency coordination of education programs; and the Department should be made the focal point of federal concern for both the institutional health of educational systems, and for strengthening their capacity to render improved educational services.

The Department of Education should be launched with the following institutional components: the Education Division of HEW (the Office of Education, the National Institute of Education, the National Center for Educational Statistics, and the Fund for the improvement of Post-Secondary Education), the Education Directorate of the National Science Foundation, the National Endowment for the Arts and Humanities, the

Headstart program from the Office of Child Development of HEW, the school breakfast and lunch programs of the Department of Agriculture that are conducted through the school systems, the major portion of the Office for Civil Rights of HEW (that portion that deals with educational institutions), and the oversight functions in respect to Howard University, Gallaudet College, and the American Printing House for the Blind, now vested in the Secretary of HEW. The National Endowment for the Arts and Humanities should be transferred intact, including the present Council on the Arts and Council on the Humanities; the Secretary would be responsible for their general oversight, not for their direct management.

Together, these programs would represent expenditures of well over $10 billion, a more than respectable size for a Cabinet Department and larger in expenditure terms than four other departments. Although the inclusion of the Office of Child Development and the two endowments would be objected to by portions of the constituencies of these organizations, their inclusion at the outset would emphasize the basic intent that the word "education" should be broadly construed and should not be thought of as including only programs that are carried on through traditional educational institutions. It would be important to protect the structure of these programs within the new Department so as to prevent their being -- or apprehension that they might be -- dominated by those who are accustomed to thinking in terms of orthodox educational systems.

If the President were to recommend a Department of such a design, the likelihood seems high that it would be approved by Congress with minimal modifications and without creating lengthy and acrimonous controversy. Its possibilities of significant achievement would be good and its political costs would be low.

9. Other organizational combinations have been analyzed and weighed; most have either negative value or insufficient affirmative value to offset the high political costs.

All combinations that would enlarge the current Department of HEW have been rejected as unwieldy and causing serious imbalance within the executive branch. This would apply to a Department of Human Resources (the Nixonian model), or a Department of Human Services with sub-Cabinet Departments of Health, Education, Social Insurance, and Welfare (or Human Development). If a separate Department of Education were to be created, the transfer to it of the National Science Foundation would be worthy of consideration, in which case its name might become the Department of Education and Science. On balance, it has been rejected for pragmatic reasons. The NSF is performing well where it is, while there would be significant political costs to its loss of independence. Fundamental science seems likely to be more adequately supported, furthermore, if the NSF remains independent.

Other transfers to a Department of Education that have been considered and rejected on various grounds are: the Indian schools operated by the Bureau of Indian Affairs, the dependents schools of the Departments of Defense and State, the educational benefits program of the Veterans Administration and the Social Security Administration, and the research and fellowship programs of the various agencies such as NIH, NASA, ERDA, Defense, etc.

The linkages between education and work are poorer in the United States than in any other advanced nation. How these linkages can be made at the community level, and how government at various levels can and should be organized to facilitate them, is a subject deserving profound and continuing analysis. At the federal level, the coordination between the institutional programs of the Department of Education and the employment and training programs of the Department of Labor especially requires analysis and improvement. The organizational and political issues are complex and far from clearcut.

At an appropriate time after the creation of a Department of Education, and after it has had its "shakedown cruise", a careful study of these issues should be undertaken and appropriate organizational adjustments made by Reorganization Plan.

10. A new Department of Education should be accompanied by the creation of a semi-independent Federal Advisory Commission on Education.

Because of the strong independence from central government control that has characterized American education systems, and the diversity that has thus evolved and should be preserved, it is essential that an independent (but notso independent as to be aloof) Federal Advisory Commission on Education be established to monitor the condition of American education and advise the executive and legislative branches of federal and state governments, and the general public, as to the health, vigor, and effectiveness of the Nation's education systems in providing for the educational needs of all groups. A fifteen-member Commission, with five-year overlapping terms, should be authorized by Congress and appointed by the President, subject to Senate confirmation. The Commission should, among its duties, have the explicit responsibility to produce a periodic major report on the condition of American education -- both the adequacy of the services rendered and the institutional health of the institutions that the Nation relies upon for both education and research. The Commission should have an independent staff; it should make its principal reports to all who have a stake in education -- the Secretary, the President, the Congress, state, local and institutional officials, and the general public. It should be called upon for advice by the Secretary, especially in the development of new policies or the amendment of existing ones; and it should make such other reports and render such other advice as it may initiate itself. It should not, however, become involved in operating and budgetary decision-making.

11. A new Department of Education should also be accompanied by a much strengthened interagency coordination mechanism, with the Secretary of Education bearing primary responsibility for coordination.

More than any other Cabinet Officer, the Secretary of Education should become a government-wide policy coordinator without having line authority over those educational programs that lie outside the Department. A new plan of action is proposed, significantly different from anything previously undertaken. Its elements would include a Presidential directive, putting the Secretary of Education in a strong, but not all-powerful coordinating role, making him/her responsible for developing, in cooperation with an interagency committee which he would chair (the Federal Interagency Committee on Education that now exists could be upgraded to serve this purpose) an "Interagency Coordination Plan" to overcome the serious inconsistencies of policy, simplify procedures, reduce the administrative burdens on the educational systems, improve service, eliminate overlap and reduce federal administrative costs, and make such other improvements as seem both possible and desirable. The "Interagency Coordination Plan" would be developed through a series of hearings that would give representatives of the educational institutions and systems, as well as others, the opportunity to lay out their complaints and suggestions for improvements. These hearings would engender the creation of small task forces to find answers to the problems thus identified. There would then emerge an Interagency Coordination Plan in three parts:

Part I would set forth those actions that the affected departments had agreed upon and were, at the time of the announcement of the plan, being implemented.

Part II would set forth those actions that required an Executive Order or other Presidential directive to make them effective; the Secretary of Education would transmit the proposed orders to the President.

Part III would set forth those actions that would require Congressional approval, and would contain legislative drafts recommended by the Secretary, which the President would, if he approved them, transmit to Congress with his recommendations.

A full description of the manner in which this new approach to interagency coordination could be accomplished is set forth in the body of the report.

12. The internal organization of the Department of Education should emphasize flexibility, cross-communication, and coordination, and avoid rigid compartments.

While it will be necessary to write into law some elements of the internal structure of the new Department of Education, it is important to keep such rigidities to a minimum, allowing the Secretary maximum opportunity to develop new organizational concepts and new methods of relating the multiple programs. There should not be numerous Assistant Secretaries legally designated as line officers in charge of specific programs. It will be desirable, however, if the National Endowment for the Arts and Humanities and/or the National Science Foundation are transferred into the new Department, to preserve their current basic organizational structure.

13. The effective performance of the leadership function for education requires the provision of new personnel authority that will enable the Secretary to recruit highly qualified people outside the traditional Civil Service restrictions.

The success of such agencies as the National Institutes of Health and the National Aeronautics and Space Administration has depended in no small measure upon special Congressional authorization to recruit topflight personnel without regard to Civil Service procedures and requirements. They were given special authority that enabled them to recruit a limited number of very highly qualified people who had to be persuaded to join the agency and who could only be recruited when the agency had full authority over the terms and conditions of the employment and the selection of the persons to fill the positions. Such authority would be especially needed if a new Department of Education were to be established.

14. The Secretary of Labor should be appointed by the President to chair an "Interagency Committee on Transition from School to Work" and should work closely with the Secretary of Education and the Secretary of Commerce in achieving its purposes.

The lack of a clear and effective focal point of responsibility within the federal government for improving the transition of students -- particularly non-college-bound youth -- from school to work is a major organizational shortcoming of the current structure. It should be dealt with by a Presidential directive making the Secretary of Labor the principal responsible official, directing him to work closely with a number of other Cabinet Officers and agency heads, especially the Secretaries of Education and Commerce. If necessary, the principle of the Interagency Coordination Plan, described above, should also be used to enable the Secretary of Labor to be effective.

I. THE DYNAMIC SOCIAL CONTEXT OF AMERICAN EDUCATION

A study to determine how the education functions of the federal government might best be organized needs to begin by examining, however briefly, the social dynamics within which education -- sometimes referred to as the Nation's largest industry -- operates. Organizational forms need to be judged first and foremost by what their designers seek to achieve through structural rearrangement. And the goals of reorganizers need to be shaped by the social context and the possibilities inherent in different forms of federal leadership.

The worst troubles that are besetting American education derive from a number of causes that are spawning trouble for the whole society, but they seem to afflict the educational institutions more immediately and severely than they do the other major components of the service sector of society.

The "macro-dynamics" of American education fall under five main headings: (1) demographic booms and recessions, (2) pervasive economic changes, (3) the persistent effects of social, economic, and cultural deprivation, (4) the effects of extraordinarily high levels of structural unemployment among youth, and (5) changing public desires, needs, and expectations in respect to education. Each deserves brief discussion.

A. Demographic Booms and Recessions

No sector of American society has been so dramatically and continuously affected by the post-World War II baby boom as has the educational component. There was a significant lag in comprehension by public policy makers of its full implications while the boom was on the ascendant, and there is now a lag in understanding the repetitive cyclical effects of that boom.

From the birth of the republic, when women bore an average of seven children, until the mid-1930's, when they bore two, there was a remarkably steady downward trend in family size. From 1945 to 1975, there was the extraordinary aberration in that secular trend known as the baby boom. The average number of children per woman rose to 3.7 in 1957 and then began a steady decline until it reached 1.86 in 1974, just half of what it had been seventeen years before, with no likelihood that it would rise sharply again in the foreseeable future. The common reaction is that the baby boom is over and we simply have to readjust ourselves to the current fertility rate which is ten per cent below replacement. But there is more to it than simply living with declining numbers.

Assuming that the fertility of American women stays in the subreplacement range, somewhere near its current level, for most of the balance of the century -- a not unreasonable assumption if there is not another large war -- there will nevertheless be an "echo baby boom", smaller than the previous one, but still significant, and it will reach its peak when the daughters of the baby boom reach their most productive childbearing years. This is likely to occur in the early to mid-1980's. The echo boom will move through the school system beginning in the mid-to-late 1980's, reaching the colleges around the turn of the century. There is almost no conceivable way -- certainly no likely way -- in which a cyclical recurrence of this boom and depression impact on the schools and colleges over the next half century can be avoided.

The elementary schools are now in the trough of the demographic depression. The colleges and universities are not yet feeling it; the decline in applications and enrollments that some of them have felt has to do with economic factors which we will discuss momentarily. But the colleges and universities will be heavily hit by this demographic recession by the mid-1980's and especially the decade thereafter. If the colleges and universities think they have troubles now, they are likely to be even more ill-prepared for what is coming when the trough between the baby boom and the echo boom hits them.[1]

Elementary schools that will be needed when the echo boom arrives are now being closed and some demolished with little thought for the future. Alternative temporary uses for such structures are not being adequately considered, nor are the possible methods of maintaining many useful, small, neighborhood schools. The implications of an accordian-like demand for educational facilities and teachers need to be considered carefully by each level of government and by private institutions, but few have the capacity to think through and deal with the relevant issues involved in the broad and long-range terms the situation demands.

The same is true of the higher educational institutions where the issues are more complex. The demographic crunch will hit the public and private colleges and universities very unevenly, and dog-eat-dog competition for students and funds seems likely to become rife, especially in the absence of any coherent federal policy in respect to higher education. No federal official now combines the leadership prestige, the time, and the assignment of responsibility to come to grips with the implications of these demographic cycles on American education.

B. Pervasive Economic Changes

An increasing number of economists doubt that economic growth during the balance of the century will resume the rates of 1945-1973. Those rates made possible continuing increases in net disposable income even while total federal, state and local tax burdens were rising. Public services, especially education, became the beneficiary of this rising affluence and received a steadily rising share of the GNP. These decades of affluence occurred during a period when energy use was skyrocketing and unit costs of energy were declining. Energy, material, and food costs all began to reverse their earlier trends during the early 1970s, even before the quadrupling of oil costs by the OPEC nations in 1973. From that point forward, and as far as the eye can see, the economic growth curve seems likely to be ascending less steadily and at a significantly slower pace, becoming still slower as energy costs continue to rise. This will mean greater and greater resistance to additional taxation, particularly at the state and local levels, for education and other public services. It will also mean fewer funds for private giving to non-public institutions.

Private colleges and universities without substantial endowments will find themselves in ever more difficult circumstances and it will become a steadily more important matter of public policy to decide whether and how the federal government should intervene to determine "who shall live and who shall die" among the marginal and threatened institutions.

Statesmanlike leadership, bringing together the best thinking of persons from all elements of the educational structure, and from a number of other walks of life, can and should consider the appropriate balance between public and private educational institutions and, among other subjects, the appropriate balance between the four key roles of higher educational institutions: (1) teaching -- the transmission of knowledge and culture, (2) research, scholarship, and artistic endeavor -- the creation of new knowledge and culture, (3) libraries, archives and museums -- the preservation of knowledge and culture, and (4) services to the public and the Nation -- the application of knowledge and culture. While each individual institution ought to have the basic responsibility for primary determination as to what balance seems most appropriate for it, state and national leaders and policy makers ought to concern themselves with seeing that in times of tight budgets there is not a serious short-changing of certain functions that have long-range importance but lack short-term urgency.

C. The Persistent Effects of Social, Economic and Cultural Deprivation

For the past two decades, education has borne the brunt of society's efforts to eradicate the effects of segregation and other forms of discrimination. "Equal education" has been regarded as the principal avenue to equal opportunity, and desegregated education as the principal means of achieving equal education. But desegregated education cannot, by itself, overcome the persistent effects of cultural deprivation, slum housing in deteriorating neighborhoods and successive generations of dependence on welfare. The expectation that integrated schools can redress the effects of such social blight is obviously unreasonable; yet such exaggerated expectations persist and keep the schools in a defensive position.

Test scores in reading and mathematical competence indicate that if conventional criteria of academic achievement are used, the hoped-for effects of integration are not occurring. Conventional criteria are culturally biased, to be sure, but so is the whole society. What, then, are the schools to do? And who is responsible for deciding what the schools should do? The roles of the actors in the decision-making process -- the courts, the legislatures, the Congress, the Governors, the President, the school boards, school officials, the chief state school officers and the top educational officials of the federal government -- are in a state of confusion and flux.

Overcoming the effects of generations of social, economic, and cultural deprivation is the responsibility of the entire body politic, under the spur of political leadership, not that of "educational leaders" alone. Yet, if the problem is to receive the attention it deserves, a strong argument can be made that a more prestigious leader than exists under current governmental organization is needed within the executive branch of the federal government to deal with the educational components of the problem.

D. The Effects of Extraordinarily High Levels of Structural Unemployment Among Youth

The unemployment rate among youth in January, 1976, was two and a half times the general rate: 19.9 per cent compared to 7.8 per cent. Among minority youth in central cities, it was approximately five times the general rate, sometimes exceeding 40 per cent. There is a consensus among manpower forecasters that youth unemployment will continue very high compared to the general rate, and that extraordinarily severe effects will be felt by minority youth for years to come. Such a limitation of employment opportunities cannot help but have adverse impact upon the schools. The narcotics and crime of out-of-school unemployed youths spread to in-school youth and thoroughly disrupt the learning process. The lack of employment opportunities frustrates and discourages numerous young people for whom academic education, or even vocational education, in the absence of direct experiential learning, has proved discouraging when pursued all the way up to their eighteenth year. Numerous non-college-bound youth need a combination of work experience and related training, but as a society, the United States has done less than almost any other advanced nation to see that young people who need such experiential learning receive it.

It cannot, of course, be the sole responsibility of the educational systems of the country to provide such a combination of work and training, nor can they be fully responsible for the transition of youth from school to the world of work. Just how much of this responsibility belongs to the schools? Just where does the leadership responsibility lie for coping with so large and important a set of needs? As of today, there is no focus of leadership. Surely educators need to participate in the solution to a greater degree than they have heretofore, even if they cannot be expected to assume the leadership of the Nation in coping with it.[2]

The extraordinarily heavy impact of structural unemployment on minority youth in central cities (and elsewhere), and the related problems of transition from school to work for these and other members of society is now one of the most important and most ignored social challenges of the Nation. If it is to be dealt with intelligently by federal leadership, it will require far greater attention than has been accorded it in the past. No Cabinet Officer, or any other key official of the federal government, has a clear assignment of responsibility to develop a coherent federal plan of action. It is an organizational vacuum urgently in need of filling. To develop such a plan and see it through will require an unusual degree of competent leadership by a designated Cabinet Officer and cooperative action by other officials of the government.

E. Changing Public Desires, Needs, and Expectations in Respect to Education

More than a few educational philosophers -- both in and out of educational systems -- believe that American society is at a turning point in terms of the relationship between education, work, and leisure. Each has been excessively compartmentalized, with education being primarily for children and youth, work for adults, and leisure for the elderly and others for whom society finds little useful purpose. The thrust of various recent writings on this subject is that increasingly these three activities will be intertwined throughout life, each adding more meaning and substance to the other two. It is a vision that deserves increasing attention and consideration at all levels of government, by various components of educational institutions, and by private citizens. Such a change in emphasis would imply more education for adults and more work for youth and senior citizens. Such a change would have profound effects upon the educational system of the country.

Beyond this, both basic economic trends and the largest recession since the Great Depression have caused many Americans to revise their attitude toward the necessity or even the comparative advantage of a college education. Manual skills, and their exercise, now are well paying compared to many intellectual skills, and their social status is now no longer as low as it used to be.[3] For many of those who have the capacity to do college work, the effect may be to start with the development of a trade, with the option kept open of pursuing a college education either on a full-time or part-time basis at a later time. This may be an especially attractive option if their tuition is paid by their employer or by the government. A number of other nations have shown more imagination in using periods of long-term unemployment for retraining. A substantial period of work experience may help young people also to find out where their true interests and talents lie before investing too many years in expensive education.

Most adult post-secondary education for persons who have established homes and families is likely to be -- as it is now -- performed on a commuting or extension basis, placing heavier demand on community colleges and urban universities and post-secondary technical institutes than upon private residential colleges and universities located away from large cities. The latter will find a diminution of demand for their services that will be compounded by the prospective demographic recession that will become severe in the late 1980s. Many of these private colleges and universities have contributed greatly to American educational quality and diversity, and should not be treated as expendable with few qualms if tough competition causes them to approach bankruptcy. The future of these institutions deserves the most careful kind of analysis of options that might make them socially useful on a continuing basis.

* * *

These dynamics will obviously have profound effect on the future of American education. Few school superintendents, chief state school officers, or university presidents can expect to "go it alone" within the context of such a set of social trends. The best leadership that can be mustered will be required at state, local, and institutional levels, but leadership of an unusually high order will be required at the federal level if the unique structure of American education is simultaneously to adapt to changing needs and preserve the best of its traditional qualities.

II. PURPOSES OF FEDERAL LEADERSHIP AND INTERVENTION IN EDUCATIONAL PROGRAMS AND SYSTEMS

In 1930, the federal budget included $11.8 million for education. The 1977 budget calls for outlays of $9.2 billion for programs that are primarily educational, plus another $8.6 billion that is education-related. This huge increase obviously reflects a fundamental change in the function of the federal government in respect to education. It is important to consider briefly what the federal role was prior to this profound change, what it seems to be now, and where it seems to be heading.

The Historic Context of American Education

Because the history and structure of American education are very different from those of all other nations, the relationship between the federal government and the educational systems of the country is correspondingly different. The style of leadership required at the federal level is, in consequence, not only distinctly different from that of other nations, but different from that required elsewhere in the federal structure, especially in respect to functions that are predominantly federal responsibilities, as education is not.

It is important to remind ourselves periodically that the United States developed its educational systems on the basis of state, local and church initiative, with a deliberate aloofness from all control by the federal government, whereas practically every other nation has made its educational system a branch of the central government. The founding fathers thought it best to keep education in state and community hands; they said nothing about education in the Constitution, even though they prized it highly. They thought that an education system managed by the federal government would be a threat to freedom of thought, the very foundation of democracy. For a century and a half after the republic was launched, the federal government treated education as a state, local, and private preserve, almost as if it had a high fence around it with a sign, "Keep Out!"

The Constitutional separation of church and state, and the number of church supported schools and colleges, reinforced the understandable political independence and protection that local governments sought for their schools, and that colleges insisted upon for their faculties. The colonists' strong distrust of a powerful central government lingered nowhere as strongly as in the conduct of education. For the first 150 years of the Nation's existence, the degree of federal intervention into education was so sporadic, limited, and unobjectionable as to require only minuscule federal staff to handle the modest financial and large land transfers, and no Constitutional, philosophic, or organizational problem seemed to present itself.

In those 150 years, the federal government asserted itself in only four significant ways, leaving virtually all else to the states. The Land Ordinance of 1785 authorized the sale of the enormous public domain and prescribed that one thirty-sixth of that land -- or the proceeds therefrom -- be set aside for educational purposes. It became the forerunner of the public school systems of the United States. In 1862, the first of two Morrill Acts established the land-grant college system directed primarily toward the encouragement of the agricultural and mechanic arts. Federal intervention was in the form of land grants and modest annual payments with few strings attached. In 1867, the federal government created a non-Cabinet "Department of Education," quickly downgraded and renamed the Bureau of Education, and much later the Office of Education, to collect statistics and periodically report on the condition of education, a function that was performed quietly and modestly for the next hundred years. And in 1917, under the pressure of World War I, the Smith-Hughes Act established a system of support of vocational education in secondary schools. The amounts were small and the degree of intervention so minor as to cause little or no concern about interference in local self-determination among the affected schools.

The stage was set for a transformation in federal policy by the New Deal and the fundamental change that was wrought in public attitudes toward the federal role in respect to numerous functions that had theretofore been considered exclusively state, local, or private. The New Deal was followed by World War II, when the federal government paid for war-related industrial training; then by the "G.I. Bill of Rights" for the education of returning veterans; then by the baby boom and the unprecedented burden it put upon the schools; then the Brown decision on the desegregation of schools; then the Russian sputnik, galvanizing American scientists and educators into competitive action, resulting in the enactment of the National Defense Education Act; and finally, the Kennedy-Johnson years, with the enormous rush of legislation after Martin Luther King, Jr., dramatized and led the crusade for civil rights and Lyndon Johnson followed through with many forms of federal aid.

The two decades between World War II and the ballooning of the Vietnam War in 1965 were years in which the federal tax system was yielding ever larger sums, and economists discussed how best to use this "fiscal dividend." The Johnson Congresses gave their answer: use part of it for the support of scores of educational programs. Both President Johnson and the key Congressional leaders sought to overcome century-long educational deficiencies more rapidly than proved to be possible.

Meanwhile, other forces produced a great variety of federal payments to the Nation's universities. The extraordinary successes of wartime research -- penicillin, radar, television, atomic energy, jet propulsion, electronic devices, and scores of others -- persuaded the public, the President and especially the Congress that research scientists could find the answers to almost anything. They were asked to find the answer to cancer and a dozen other scourges; they were given major credit for accelerating economic growth, and they were expected to solve almost any problem assigned to them. Since the universities were the basic institution where research scientists lived and thrived, that is where the money should go to accomplish what the Nation wanted done. Agency after agency developed program after program to accelerate research and research training in universities, causing the United States to pull way ahead of the rest of the world in the magnitude and productivity of its scientific establishment. Ultimately, this outpouring of money was bound to bring on disillusionment, just as it did in elementary and secondary education. The flowering of American science, conducted primarily through the universities, reached its high point in 1967, after which the Congress and the public began to show greater skepticism about any direct correlation between the amount of money spent on research and the benefits gained from it. Thereafter, federal appropriations were harder to come by, and the legislators tended more and more to earmark them for what they regarded as research directed toward attainable objectives. Research planning and resource allocation was taken more and more out of the hands of research scientists and placed in the hands of the administrative and political budget-makers.

Equality of access to higher education, and the gradual movement of the peak of the baby boom toward the colleges demanded a vast increase in the capacity of post-secondary educational facilities and support for students, a set of programs that came later than the research build-up, but by the mid-1970s had outdistanced research aid in the magnitude of federal appropriations. Altogether, by 1974, there were no less than 439 federal programs listed by the College Entrance Examination Board as providing federal funds to colleges and universities, either directly or through students. (A description of these 439 programs by the CEEB was published in 1974, occupying some 946 pages.) The amount of federal expenditures paid to post-secondary institutions and students through these programs was approximately $6.4 billion.

The tables on the following two pages, taken from the Special Analyses of the 1977 Budget of the United States, show the magnitude of the outlays for education at the various levels. Those labelled "primarily educational" total $9.6 billion in 1976; those that channel funds to educational institutions and their students but are not considered primarily educational to even more: $11.2 billion.

Table I-2. **FEDERAL OUTLAYS FOR PROGRAMS WHICH ARE PRIMARILY EDUCATIONAL BY LEVELS**

Purpose and program	Outlays (millions)			
	1975 actual	1976 estimate	TQ estimate	1977 estimate
Elementary and secondary:				
Financial Assistance for Elementary and Secondary Education Act	--------	--------	--------	294
Educationally deprived children (ESEA)	1,960	1,818	400	1,628
Support—innovation consolidation	--------	80	39	152
Other ESEA	316	281	61	102
Federally affected areas	619	485	47	395
Emergency school aid	216	235	59	221
Educational development	160	25	1	2
Library resources/consolidation	127	146	44	93
Education for the handicapped	151	198	51	175
Occupational and vocational education	375	403	60	365
Office of Child Development	426	468	127	463
Student grants (OASDI)	213	238	68	277
Other HEW	219	222	60	245
Bureau of Indian Affairs	164	184	56	186
Other	55	55	15	52
Subtotal, elementary and secondary	5,001	4,838	1,088	4,650
Higher education:				
Basic opportunity grants	342	796	122	1,016
Work-study, supplementary grants and student supplementary incentive grants	499	650	65	326
Guaranteed student loans	254	309	84	349
Direct student loans	345	293	12	12
Vocational education	137	137	20	136
Student loan insurance fund and HEFLIF	81	73	12	66
Disadvantaged students and developing institutions	230	200	44	193
Other Office of Education	117	96	17	53
Special institutions	89	105	25	88
Student grants (OASDI)	840	941	267	1,095
Other HEW	118	110	32	108
National Science Foundation	36	44	6	50
Other	51	64	12	62
Subtotal, higher education	3,139	3,818	718	3,554
Adult and continuing education:				
Occupational and adult education (OE)	101	95	21	97
Public libraries (OE)	62	55	10	27
Social Security Administration	67	75	21	88
Library of Congress	101	118	32	142
Other	15	20	5	21
Subtotal, adult and continuing education	346	363	89	375
Other:				
Office of Education, salaries and expenses	96	109	33	113
Student loan insurance fund	46	45	12	38
National Institute of Education	42	36	7	52
Smithsonian Institution	47	55	20	54
Corporation for Public Broadcasting	62	70	18	70
National Foundation on the Arts and the Humanities	32	53	17	63
Other	195	262	56	258
Subtotal, other	520	630	163	648
Total	**9,006**	**9,649**	**2,058**	**9,227**

Source: Executive Office of the President, Office of Management and Budget, Special Analyses, Budget of the United States Government, Fiscal Year 1977 (Washington: Government Printing Office, 1976), p. 165.

Table I-3. **FEDERAL OUTLAYS FOR OTHER BASIC PURPOSES BY LEVEL**

Level and program	Outlays (millions)			
	1975 actual	1976 estimate	TQ estimate	1977 estimate
Elementary and secondary:				
Child nutrition	1, 832	2, 333	499	2, 000
District of Columbia capital improvements	45	61	10	34
Community planning and development	52	41	5	24
Veterans readjustment	114	152	18	80
Other	207	182	144	116
Subtotal, elementary and secondary	2, 250	2, 769	676	2, 254
Higher education:				
Veterans readjustment	3, 479	4, 652	820	3, 291
Military service academies	239	266	67	276
Reserve Officers Training Corps	165	179	57	184
Other DOD	199	199	56	206
Health Resources Administration	662	553	155	519
Research training (NIH)	177	173	28	151
Alcohol, Drug, and Mental Health Administration	121	93	11	55
Other	117	144	54	126
Subtotal, higher education	5, 159	6, 259	1, 248	4, 808
Adult and continuing education:				
Agriculture Extension Service	219	228	57	219
Veterans readjustment	636	850	149	568
Other	82	84	21	77
Subtotal adult and continuing education	937	1, 162	227	864
Training of Federal military employees:				
Defense	304	326	87	371
Coast Guard	22	23	6	24
Subtotal, training of Federal military employees	326	349	93	395
Other:				
Department of State	32	34	6	36
Public service jobs	126	456	86	175
International development assistance	60	82	25	85
Other	61	73	17	43
Subtotal, other	279	645	134	339
Total	**8, 951**	**11, 184**	**2, 378**	**8, 660**

Source: OMB, Special Analyses, Budget, 1977, p. 167.

The burden on state, local, and private resources to pay for education mounted even more rapidly, in absolute terms, rising from $3 billion in 1940 to approximately $40 billion in 1965, and over $100 billion in 1976. Educators and political leaders turned to Washington for help, asking for it in whatever form seemed most likely to find sympathetic ears. When "general aid" was not forthcoming (Senator Taft had tried and failed to gain support for it in the late 1940s), other forms of aid, geared to special needs were approved. The "educational establishment," in consequence, became a large number of separate and specialized lobbies, each asking both the executive and legislative branches for money that was earmarked for their particular needs and purposes. Congress responded accommodatingly. There developed the classic triangular relationship between the narrow, specialized lobbies, the sub-committees of the Congress, and the specialized program managers of the executive branch, each of which benefitted by the efforts of the other two. Congressmen gained more credit with their constituencies when they passed many earmarked grant programs than they would have if they had passed one large "block grant." Special purpose grants were politically feasible; general aid was not.

From this sketch of the evolution of federal support programs for education, it is apparent that they grew without purposeful guidance from anybody charged with identifying the best means for delivering the various types of educational service to those who need them. If anything, it is a wonder that the educational programs are not more chaotic than they are. Nevertheless, it is high time that a more clear-cut assignment of responsibility be made within the federal government for clarifying and rationalizing the federal role and minimizing the confusion resulting from the welter of uncoordinated policies, regulations, procedures, and practices.

The Current State of Affairs

A succinct statement of the current administration's education policy is contained in the U. S. Budget for 1977, Special Analyses (p. 162): "The provision of basic educational services in the United States is essentially the responsibility of state and local educational authorities. The federal role is one that strives to stimulate and encourage improvements in the educational process through reform, innovation, capacity building and research, and assuring equal access to educational opportunity." There is a strong tension between these two ideas -- the fundamental responsibility of state and local authorities, answerable to their own constituencies, and the federal responsibility for active leadership that strives to persuade, through the irresistible power of the federal purse, the states and "local educational authorities" (presumably this phrase includes all private colleges and universities), to reform their educational practices in ways considered desirable by the federal government but resisted by the existing educational establishment. This tension seems inevitable and long-lasting. Its amelioration will require an unusual effort to understand each other's legitimate purposes, rights, problems, and standards of achievement on the part of the three branches of government at the federal and state levels, and between academia, the school systems, and government.

The relationship between the federal government and the education systems of the Nation is now far from felicitous. The attitude of many chief state school officers is epitomized by one who observed that the federal government was now supplying about eight per cent of the fiscal requirements for elementary and secondary education but was behaving as if it were the senior and managing partner. Kingman Brewster, president of Yale, expressed the same idea by saying that it appears that the philosophy of the federal government is "now that I have bought the button, I have a right to design the coat." The list of concerns and complaints is long.

At the elementary and secondary school level, some of the greatest causes for unhappiness are expressed by the chief state school officers who feel they are being by-passed by the federal government through the process of making grants directly to local school districts without consultation with the states to determine whether the states have addressed these problems and without seeking any form of coordinated administration. Harry Wugalter, Secretary of Education of New Mexico, not only makes this complaint, but says that federal officials seem to have "an attitude that states have no business inquiring about programs initiated between the school districts and the federal government -- that is, of course, until dollars do not arrive and then it becomes a state responsibility." Another complaint by Wugalter, among ten he listed in a statement made on April 1, 1976, to the Conference of the Associates Program, held in Washington, D. C. under the auspices of the Institute for Educational Leadership, was competitive action by federal program managers. He expressed it this way:

> Independent action of various federal program managers causes competition for the same 'entitlement.' Since the same child is oftentimes listed as an 'entitlement' for a variety of federal programs (without regard to the fact that the state and local government are already providing an expenditure level for a full day's regular program), there is competition for the same child. Since we are dealing with a limited number of hours during the day and many of these children have to be present for a particular length of time in order to be counted as 'entitlement,' the reason a youngster can't read is perhaps that he wasn't in a class long enough when reading was taught.

Another major complaint frequently voiced by educators at all levels is the tendency of the Congress to legislate restrictively to prevent repetition of the misuse of federal funds, even though the number of such cases may be small and the administrative burdens imposed may be heavy. Congress develops detailed provisions that become a permanent administrative albatross around the necks of the school systems. Even worse, the threat for even limited violations, intentional or unintentional, of many provisions of federal law is the withholding of funds for the whole of a large educational system, even though the violation may have applied to only a small part of it. The official penalty is totally disproportionate to the offense. While rarely used, it dangles as a continual threat and rubs raw the nerves of harrassed officials. This complaint is heard more frequently in respect to the enforcement of civil rights rules and regulations than in other areas.

At the higher education level, the forms of federal intervention that have caused distress are both similar and different and in some respects the distress is more acute. Derek Bok, president of Harvard, spelled them out with great care and thoughtfulness in his President's Report to the Board of Overseers for 1974-75, a statement that deserves reading by all who are concerned about relationships between the federal government and higher education. A few of Dr. Bok's statements and diagnoses give the flavor of his concerns:

> "By limiting the discretion of university personnel, rules diminish initiative and experimentation. In addition, rules involve a transfer of authority from educational institutions to government officials. Since these officials have less experience in educational matters, they are more likely to make mistakes, and the cost of these mistakes will be magnified enormously by the power of the federal government to affect almost the entire range of educational institutions. Because regulations must be reasonably uniform in nature, they also threaten to impinge upon the diversity of the system. . ."
>
> (Concerning the Buckley Amendment in 1974 to enable students to examine their confidential files, including letters of recommendation, financial aid analyses, medical records, and counseling data): ". . .the bill has had an adverse effect on colleges and universities. Admissions officers must obtain a formal waiver from students in order to solicit confidential letters of recommendation or gain access to student records. Where waivers are not received for some reason (as they are not in almost half the cases), letters of recommendation have become blander and less informative. . .The result has been to force admissions officers into placing more emphasis on tests and scores at the expense of the subtler traits of character, motivation, and personality. To many experienced observers, this trend is unfortunate, especially when one takes full account of the limitations of grades and standardized tests. . .Yet the costs and benefits of the amendment were never carefully considered because no hearings were ever held to receive testimony on the issue. . ."

> "Further problems have been created by moving too quickly to extend regulatory schemes from industry to the very different sphere of higher education. For example, the government has been developing extremely complicated regulations for industry to implement legislation in the fields of occupational safety and pension reform. When detailed regulations of this kind are applied verbatim to higher education, they produce needless confusion in the short run and often lead to large unnecessary expenditures. . ."
>
> "The problems just described (many more than those enumerated above) have been very expensive to many institutions. Preliminary studies suggest that out-of-pocket costs of coping with government regulations have risen by ten- to twenty-fold in the last ten years. Another survey estimates that the expense to higher education of federally mandated programs has reached $2 billion annually. At Harvard, the total cost of administering five government programs -- equal employment opportunity laws, the Buckley amendment, occupational health and safety rules, environmental protection, and pension reform -- has been running $4.6 to 8.3 million dollars per year."

President Bok's expression of concerns does not imply that the federal government should simply provide support with no strings attached, but he makes clear that communication and consultation between the federal government -- both the Congress and the executive branch -- needs to be systematically improved, on the initiative of the higher education community as well as that of the federal government, if the legitimate goals of the government are to be achieved without undermining the capacity of the institutions to carry out their multiple missions.

At this writing, a study being conducted by the Association of American Universities for the National Science Foundation concerning the health of the research component of American universities is nearing completion. The Association's study confirms many of Dr. Bok's comments about the problems faced by Harvard, but goes beyond them in expressing apprehension about long-range impact of certain trends upon the capacity of American research to maintain its world pre-eminence. In addition to the high costs of administering unnecessarily detailed complex federal rules and regulations, and rendering voluminous reports, the Association observes that the "overhead" costs of maintenance and administration -- from fuel bills to rapidly escalating increases in Social Security tax payments, and many others -- are cutting severely into the universities' capacity to maintain their research capabilities at earlier levels. With budgets under closer scrutiny at the federal level, there is a strong tendency to dole out money in smaller amounts for shorter periods, beginning projects too soon (before there is a solid enough basis for knowing what might be achieved), and terminating them too fast, when the hoped-for results do not materialize. The result is decreased productivity; good results cannot be achieved unless there is reasonable assurance of continuity of research support for key research and teaching personnel. And, finally, the marked slowdown in the availability of funds for young research talent means that the research staffs of American universities are aging to a degree that could be serious in a few years. Research, in particular, requires the unusual creativity of imaginative young scientists.

Some of the strains between the educational officials responsible for preserving what they believe to be the strengths of the unique structure of American education, and at the same time trying to overcome many of its weaknesses, and those federal officials in the executive and legislative branches responsible for seeing that the billions they appropriate for education are well spent, according to their criteria, are the inevitable result of basic changes in long-term relationships between federal, state, and local government. Others are the result of the overwhelming multiplicity of programs and consequent confusion of purposes among a large number of federal agencies and Congressional subcommittees dealing with a vast number of educational systems and parts of systems. It is important to try to distinguish the confusion that may be an inevitable result of dynamic social change and that which derives from avoidable causes, and minimize the latter.

The Purposes of Federal Leadership and Intervention

The purposes which any thoughtful person believes to be a legitimate basis for federal leadership and intervention in education systems will vary widely, depending upon his social and political philosophy. It seems abundantly clear, however, that the explosion of legislation and appropriations providing federal support for the country's education systems which came about in the 1960s, and continued into the 1970s, reflected a new national consensus on several basic objectives.

First, a broad consensus was reached that discrimination on account of race was no longer a matter for state determination; it is contrary to the spirit and letter of the federal Constitution and therefore a duty of the federal government to see that it is ended. The courts began the development of the national consensus through the unanimous Brown decision, but it was not until the Kennedy-Johnson years that the executive and legislative branches finally shouldered their responsibilities to see that a wide variety of implementing laws were enacted and carried out.

Second, there was the consensus that equality of opportunity for access to a good education is an important national goal and one that could not be met without major federal action and leadership. If this purpose were left entirely to the states, the variations would be too wide to be acceptable to the Nation. It was determined to be a legitimate and desirable national purpose to use federal funds and influence to improve the access of educationally disadvantaged groups in society to good quality education. This concept was focussed initially on the improvement of educational opportunities for minorities that had been culturally deprived because of racial discrimination and poverty, but was later extended to channel large amounts of money into the education of the handicapped.

Third, there was the determination that discrimination on account of sex, as well as race, should be ended, and that the ending of such practices should be hastened by federal action. This meant intervention into and regulation of the hiring practices of education systems and the admission policies of private as well as public institutions that were the recipients of federal funds, and a variety of other strictures.

Thus, what was tantamount to a legislative expansion of the Bill of Rights occurred. There was a new implied right of equal access to educational opportunity, including the right to an undetermined amount of compensatory education to overcome some portion of the inequalities caused by generations of racial discrimination, a new right of handicapped to fair educational treatment, and a new right of all groups heretofore discriminated against to equal initial access to employment opportunities, to equal pay for equal work, and to equal opportunity for occupational and social upward mobility within the total society, including the education systems themselves.

Another policy objective affecting the Nation's universities, and one much less widely understood and held than the others, was that of assuring that the Nation would have a vigorous and creative set of institutions of higher learning capable of conducting first-rate research. This was an objective that emerged less from any conscious plan or purpose than from the cumulative effect of the decisions of scores of mission-oriented federal agencies that the best way of accomplishing their research purposes was to "buy" the services of the Nation's most competent scientists where they were likely to be most productive: in their natural milieu in the universities. The major departments of the federal government all now have a continuing need for strong research capabilities within the Nation's universities. No other structure of science has been proposed that seems likely to be nearly so productive.

Together with veterans' educational benefits, and education benefits for the dependents of deceased and disabled Social Security beneficiaries, these are the major purposes for which federal funds are channelled into the education systems of the country. There is no reasonable prospect that the Nation will recant its commitment to any of them, but there may be significant variation in the degree of additional support that may be given to them in the future. What is likely to be at issue is not the objectives themselves, but the methods of achieving the objectives, and most basic of all, the total amount of federal financial resources applied to their achievement.

In some instances, as earlier mentioned, the regulatory process has been used to a degree and in a manner that may, in some instances, be counterproductive. It may be timely to try other methods. In other cases, the amount of administrative effort that has been required to achieve certain purposes may be so great as to diminish teaching time and quality in places where it is sorely needed. Detailed controls may exceed anything that either the bureaucracy or the Congress needs for purposes of reasonable accountability to the public. In scores of instances, it would appear to be the methods of achieving the objectives that are causing the unhappiness on the part of officials of the education systems, rather than any fundamental disagreement on the validity of the objectives. There are, of course, genuine disagreements over certain basic policies, but the tension centers on the belief by the educators that both the Congress and the administering personnel of various federal agencies are far too "control minded"; they pay far too much attention to the establishment of detailed stipulations and too little to the question of whether these stipulations are the best way of achieving the fundamental objective.

Conversely, various members of Congress feel that the "education establishment" has had ample opportunity if it wished to use it to come forward during hearings and offer advice as to alternative ways of achieving the national objectives that Congress had in mind, but that such opportunities have too rarely been seized. Do not the educational administrators have responsibility, they ask, to take the initiative in seeing that their "better alternatives," if they have them, are offered in timely fashion? Belatedly, the education establishment has come to the conclusion that they do have such a responsibility and are awakening to the necessity for taking a more active and constructive role than they have heretofore.

A major purpose could be served by strengthening the status and capacity of educational leadership within the executive branch so as to elevate the level of discourse between the executive branch and educational administrators on the one hand, and between the executive branch and Congress, on the other. Such discourse needs to be directed at overcoming the legitimate complaints of educational administrators over ill-considered and counterproductive requirements, at improving the basic analyses of resource needs to fulfill the federal role, and at encouraging innovative change (but not seeking heavy-handedly or impatiently to manage the change) that will inevitably be needed to adjust the educational systems to meet the changing social requirements of the next quarter century.

The Need for a Coherent and Consistent Philosophy of the Federal Role in Education and Support

Education, as a federal function, is now leaderless. No person in the federal government has the combination of prestige, staff resources, time, and assignment of responsibility to be the leader of the government's education programs. No person has the opportunity to look holistically at the educational institutions and systems of the Nation and the education programs of the federal government with the purpose of trying to develop a coherent and consistent philosophy of relationships between the federal government and the educational systems. To what extent and in what manner such a philosophy might be developed, articulated, and made effective, or at least influential, is a question worthy of the most careful thought. It is a central concern of this study.

The development of a thoughtful philosophy of the federal role in education, and the articulation of that philosophy at crucial junctures in the policy-making process, is one of the most complex and demanding administrative-leadership challenges ever faced by a federal official. It is, in fact, not one to be borne alone by a single official, no matter how good a staff may support him, but should be regarded as a process involving a wide variety of concerned people in the executive and legislative branches, in the educational systems of the Nation, and among the consumers of educational services. As will be evident in the balance of the report, this leadership challenge may require some basic new concepts of public administration.

The need for a new level of leadership to spearhead a careful rethinking of the federal role and the processes by which the role is to be implemented is evident to all who have watched the traumatic changes that have occurred in the last dozen years. Those changes were not evolutionary but explosionary. Explosions fragment whatever they hit. It is time to glue together some of the still useful fragments.

III. PREVIOUS ORGANIZATION STUDIES

No in-depth study specifically directed to the question of how best to organize the education programs of the United States government has been conducted and published since education became a multi-billion dollar concern of the federal government. To the extent the subject has been considered, it has been dealt with as a relatively small part of a much larger study of the organization of the whole executive branch, or has been examined briefly in order to prepare a bill to support a preconceived viewpoint, or has been the subject of a journal article without being buttressed with an analysis of a substantial range of options. It is a purpose of this study to assist in filling that vacuum. It is, nevertheless, worth recounting the different viewpoints expressed in earlier studies.

Organizational Developments 1867-1964

From 1867 to 1964, the history of the structure of education functions in the federal government is surprisingly uncomplicated and, except for the creation of the "Department of Education" in 1867 and its relegation to a small bureau status in the Interior Department a year later, undramatic. Congressman James A. Garfield was personally responsible for persuading the Congress to create it, and its first Secretary was so inept as to cause its immediate transfer into semi-oblivion,[4] where it stayed until President Harding sought to elevate its status in 1922. In that year, for reasons that are obscure, Harding asked the then Commissioner of Education, Philander Claxton, to prepare a bill creating a new Cabinet-level Department of Education and Welfare. Claxton complied but opposed the bill, informing Harding that he believed that a National School Board should be created that would have the power to appoint the chief educational officer of the government, who would not be a Cabinet Officer. Claxton's resignation was promptly requested and accepted, and the bill, although transmitted to Congress, received no consideration.

A decade later, in 1931, a National Advisory Commission on Education appointed by President Hoover, again recommended the creation of a Cabinet-level Department of Education, but Hoover made no such recommendation to Congress and no action was taken. So the Office of Education remained a bureau of the Department of the Interior until 1939.

Under President Roosevelt's "Reorganization Plan No. 1 of 1939" -- the first and most important use of his newly acquired reorganization authority -- the Office of Education was moved from the Department of the Interior to become one of five building blocks of the newly created Federal Security Agency, the predecessor of the Department of HEW. That move was recommended to Roosevelt by his three advisers on organization: Louis Brownlow, Charles Merriam, and Luther Gulick. The theory was that bureaus dealing with services to people were scattered in anomalous settings and should be brought together so that they could be overseen and coordinated, if need be, by a top official who was concerned with human needs. Roosevelt would have preferred to create a Cabinet Department if his reorganization authority had permitted it,[5] but that authority was not to exist for another twelve years. The Public Health Service was taken out of the Treasury Department, and moved into the new FSA; the Social Security Board, responsible for administering the very important new Social Security Act, was placed in the new Agency; the two youth agencies, the Civilian Conservation Corps and the National Youth Administration were converted from independent status to "bureaus" of the new FSA; and the Office of Education, the smallest bureau in staff and funds, was included in the new organization.

Brownlow, Merriam and Gulick had no expectation, so far as can be determined, that there would be extensive coordination of activities between the Office of Education and the other components of the Federal Security Agency. The most important coordination was that between the Office of Education and the Civilian Conservation Corps, a temporary organization which was so popular in 1939 that many expected it to be made permanent. The Office of Education was responsible for selecting and providing professional support and guidance to the educational advisers of the 1,500 CCC camps. After the CCC and the NYA were abolished during World War II, the extent of relationships between the Office of Education and the rest of the Federal Security Agency became so small that most members of the office's staff regarded themselves as being in an independent agency.

In the midst of the post-World War II expansion of federal grant programs in respect to education, the Commission on Organization of the Executive Branch of the Government (the first Hoover Commission), asked the Brookings Institution to prepare a "Task Force Report on Public Welfare", of which Part Three was entitled, "Federal Policy and Organization for Education." This part of the report, submitted to Congress on January 13, 1949, was primarily the work of Hollis P. Allen, head of the Graduate School of Education at Claremont College. In the tradition of late 19th and early 20th Century professional orthodoxy, Allen recommended the creation of a National Board of Education of 12 members, each appointed by the President for staggered 12 year terms. The Board would then appoint the Commissioner of Education who would administer the principal education programs of the government through an independent federal agency. The main body of the report of the first Hoover Commission stressed the principle of the political accountability of the President to the people for the effective administration of federal programs, while the Hollis Allen proposal emphasized the principle of keeping education programs aloof from political influence and oversight. No more came of Allen's report and recommendations than of Philander Claxton's similar recommendations to President Harding.

So matters remained until the mid-1960s when President Johnson began to become interested in reorganization possibilities. In terms of conventional organizational analysis, nothing of major consequence happened to the structure of education within the federal government from the time the Office of Education was moved into the Federal Security Agency up to 1964. But this would not portray the real situation. From the enactment of the GI Bill of Rights in 1944, there grew up, all over the government, a series of programs that channeled substantial amounts of federal funds into educational institutions, either directly or through students, but not administered by the Office of Education. The structure of educational programs and their administration thus changed markedly, even though no "reorganization" took place. This is not to suggest that all these programs should have been administered by the Office of Education, but to point out that the creation throughout government of scores and eventually hundreds of new programs that channeled federal funds to educational institutions effectively altered the structure of relationships between those institutions and the federal government.

The Office of Education Self-Study, 1960-1961

Mention should be made of the self-study made within the Office of Education in 1960-1961 by a committee under the chairmanship of Dr. Homer Babbidge. Its purpose was to consider how the Office should be internally organized and strengthened. It gave no consideration to the larger question as to how the education functions of the whole federal government should be organized. It produced a report that was published by the Government Printing Office under the title, "A Federal Education Agency for the Future." It recommended a significant reorganization of the Office, the foremost feature of which was the creation of a four-bureau structure including a Bureau of Educational Research and Development that would bring together research programs from all over the Office and administer them under a single bureau chief. It recommended that the name of the Office of Education be changed to the "United States Education Agency." It advocated no transfers of functions into or out of the Office of Education, nor change of the status of the Office within the Department of Health, Education, and Welfare. One other recommendation relevant to the current analysis was that there be created a "Board of Advisors to the Commissioner of Education" to be appointed by the President from among the "ablest citizens available for such service" with no attempt to make the board "representative" in the sense that various educational and other interest groups should be represented in its membership.

President Johnson's 1964 Task Force on Government Reorganization

In 1964, President Johnson asked a task force, headed by Don K. Price, the Dean of the Graduate School of Public Administration at Harvard, to make a study of the organization of the domestic functions of the executive branch. Education was one of twelve subjects covered by the study. The group of ten advisers was provided with staff support from the Government Organization Branch of the Bureau of the Budget. The report, submitted in November, 1964, recommended the creation of a Department of Education, with its Secretary in the Cabinet, "to include those agencies whose purpose is to support the educational and basic research programs of the Nation's institutions of learning, including the humanities and cultural affairs as well as the sciences. HEW would then become the Department of Health and Welfare." (It also recommended four other departments: Transportation, Housing and Community Development, Economic Development, and Natural Resources.) Johnson had instructed the task force to allow him to determine the political feasibility of their recommendations, so they felt less constrained by such considerations than might otherwise have been the case.

The rationale for the Department of Education is stated succinctly in the following paragraphs:

> Department of Education: The advancement of education and of the basic research programs that are carried on primarily in educational institutions is the keystone of our future progress. The Federal Government has become a major supporter of these purposes, but without having a comprehensive organization that could help the President develop a policy for them. We believe that the President will wish to develop a policy calling for a sharp increase in Federal support for education and research and a better balance among various elements of the program. Our recommendation of a Department of Education is based on that assumption.
>
> Because the schools have been afraid of Federal domination, the Government has never had a comprehensive policy for the advancement of education and research. But it is unrealistic to think we can protect the freedom of education by pretending to ignore it. We need to organize in a manner that will simultaneously
>
> -- facilitate our understanding of the effect of Federal actions on the educational and research institutions of the Nation;

-- help distinguish between broad policy decisions regarding financial support, which must be controlled by responsible Federal officials and by law, and subordinate decisions regarding the educational or scientific merit of projects, institutions, or individuals. (The latter decisions can and should be made with the participation of educational and research leaders in such a way that everyone will know that the Federal Government is not intruding politically on academic freedom.)

Our present excessive dispersion of organization has helped to bring about an unsound balance between

(a) higher education and elementary and secondary education: leadership of the universities has not accepted its responsibility for helping to raise the intellectual standards of elementary and secondary schools;

(b) the sciences and other areas of learning: Our emphasis on research project grants for military and space purposes has led to disproportionate emphasis on technology by comparison with the humanities and the social sciences;

(c) research and teaching: we are flooding the university laboratories with money, while neglecting, by comparison, the teaching side of education at all levels.

We therefore recommend the creation of a Department of Education (APPENDIX B).* We do not believe that it should be the only channel by which aid is given to educational and research institutions. Every major agency will need to have its own programs of research and education, and many will need to support basic research. But a Department is warranted in order to help deal with the fundamental policies of aid to State and private institutions and to the general advancement of knowledge as the basis of national progress.

The proposed Department should not include the agencies devoted mainly to big operational programs depending on applied technology (like AEC and NASA); nor should it include their subsidiary programs of basic research or fellowships. The Office of Science and Technology will still be required, just as much as at present, to help coordinate these programs with those of the Department of Education.

The Department should include:

(a) the Office of Education, whose removal would leave a Department to be known as the Department of Health and Welfare;

(b) any program that may be adopted for the support of the humanities;

*APPENDIX B is part of the Report of the President's Task Force on Government Organization, November 6, 1964, in the Lyndon Baines Johnson Library, Austin, Texas.

(c) the National Science Foundation;

(d) the education and basic research programs of the National Institutes of Health, which have become the largest supporter of basic research in our universities. (This would include most of the grant-making programs and some of the "in-house" research; the Public Health Service should retain the applied research specifically directed toward its requirements, including some grant-supported projects as well as "in-house" research. The division could be made by the Bureau of the Budget with the advice of the Director of OST.)

(e) certain bureaus or agencies, or constituents thereof, whose programs of education or basic research are not undertaken in specific support of an operating agency's mission: the National Bureau of Standards and the Smithsonian Institution (including its artistic and cultural subdivisions, such as the John F. Kennedy Center for the Performing Arts, as well as its scientific programs);

(f) the National Council on the Arts;

(g) certain minor educational responsibilities of HEW, e.g., with respect to Howard University, Gallaudet College, and educational television.

The present Board of the National Science Foundation, and the statutory Advisory Councils of the NIH, should be abolished. The Secretary should continue to use independent panels of outside advisors, like those that in both NSF and NIH make judgments of scientific or institutional merit in allocating grants.

With respect to the formulation of recommendations regarding the balance of different aspects of the total program, and the emphasis to be put on one level of education, or one field of knowledge, or one method of support, as compared with others, the Secretary should make use of less formal and less officially representative advisory groups, as well as the staff resources of the Federal Government.

President Johnson's 1964 Task Force on Education

Early in 1964, at about the same time as he appointed the Price Task Force on Government Reorganization, President Johnson asked John Gardner, then President of the Carnegie Corporation, to chair a Task Force on Education. Other members of the Task Force were: James E. Allen, Jr., New York State Commissioner of Education; Hedley W. Donovan, Editor of *Time*; Harold B. Gores, President, Educational Facilities Laboratories;

Clark Kerr, President, University of California; Edwin H. Land, President, Polaroid Corporation; Sidney P. Marland, Superintendent of Schools, Pittsburgh; David Riesman, Harvard University; the Reverend Paul C. Reinert, President, St. Louis University; Raymond Tucker, Mayor of St. Louis; Ralph W. Tyler, Director Center for Advanced Study in the Behavioral Sciences; Stephen J. Wright, President of Fisk University; and Jarrold R. Zacharias, Massachusetts Institute of Technology.

The mission of the Task Force was primarily substantive and programmatic. Its principal chapter headings were: OPPORTUNITY TO LEARN; NEW AND BETTER WAYS TO LEARN; HIGHER EDUCATION; INTERNATIONAL EDUCATION; ORGANIZATIONAL INNOVATION; and FINANCING OF EDUCATION. Its chapter on organizational innovation began with the sentence: "The present Office of Education is incapable of meeting the requirements facing us." The vacuum created by this inadequacy led the Task Force to conclude that education needed a strong focal point at a high level in Washington. Specifically, it concluded that: "There should be at the highest level of the Federal Government an agency adequately staffed to carry through penetrating analyses of current problems and needs, to lay down the broad objectives of government action, and to develop solid programs in pursuit of those objectives. It would not be the purpose of such an agency to direct or control American education -- no Federal agency ever could or should do that -- but to introduce enough coherence into federal activities so that taxpayer dollars spent on education are well spent." The words sound as relevant to 1976 as to 1964.

The Task Force was split between creating an independent Office of Education at the Presidential level which, like the Office of Economic Opportunity, would have the responsibility to coordinate federal agency programs, carry out new programs, and develop national policy in the field of education, or creating a new Department of Education. The majority favored the former, but added that if the departmental route were chosen, "we do not believe that the new Department should be created by lifting the present Office of Education out of HEW and building around it. A completely new department should be organized, drawing functions from various parts of the government which now are carrying on significant educational missions."

The last of its organizational recommendations with respect to the federal government was the creation of a Council of Educational Advisers to the President. In the words of the report, "its function would be to carry on a continuing review of the problems of American education and to report on those problems to the President, to the Congress, and to the American people. It would be a device for identifying national needs and stating national goals."

Nine months after this confidential report was submitted to President Johnson in November, 1964, the Task Force chairman, John Gardner, was appointed Secretary of HEW. For the balance of President Johnson's term, nothing more was heard about the proposals of the Gardner Task Force to create a supra-departmental educational agency in the Executive Office of the President, or to create a Cabinet-level Department of Education, or to create a Council of Educational Advisers to the President. Instead, Gardner turned his mind to the creation of a super-Department of HEW, with sub-Cabinet Departments of Health, Education, and Individual and Family Services, described in the ensuing paragraphs.

The Corson Study for HEW Secretary John Gardner, 1966

In 1965, Secretary John Gardner asked management consultant John Corson and Assistant Secretaries James Kelly and Donald Simpson to conduct a study in order to determine the best way to structure the Department of Health, Education, and Welfare. The study concluded that the Department should be restructured into a "Super-Department" (that name was not used by the consultants), consisting of three sub-Cabinet Departments, organized as follows:

Department of Health

- Public Health Service (including NIH)
- Food and Drug Administration
- Vocational Rehabilitation Administration
- Saint Elizabeth's Hospital

Department of Education

- Office of Education
- Educational Television
- Manpower Development and Training

Department of Individual and Family Services

Social Security Administration
Welfare Administration
Administration on Aging

The major objectives of the plan were to strengthen the capacity of the Secretary to provide the needed policy and management leadership to the department without becoming overburdened himself, to improve the attractiveness of top-level positions to first-rate people, elevate the prestige and visibility of those primarily responsible for health, education, and welfare programs, and focus responsibility on a single national spokesman in each of these fields. It was also intended that this structure would improve goal-setting and the coordination of related programs.

The plan was publicly described in November of 1966 when Secretary Gardner was visiting President Johnson in Texas. Gardner had not intended at the time to make it public, but did so at Johnson's request. It had not received any review by the Bureau of the Budget, the organization that was responsible for making major reorganization recommendations to the President, and its revelation in advance of such review did not help its reception. Nothing ever came of it.

Government organization experts do not favor sub-Cabinet Departments. They were an unavoidable compromise when the new Department of Defense was established in 1946, but thereafter, the creation of any more such departments was strongly opposed by the Bureau of the Budget. If the practice were to be approved in any other department than Defense, the Budget Bureau believed, with reason, that there would be no way to stop the creation of still more, until the name "Department" would no longer have its intended significance. This was one reason for the quick demise of the Corson proposal. A second reason was that it was referred to a secret task force, called the Heineman Commission, described in the next section, which promptly turned thumbs down on it on the ground that it would strengthen the separate health, education, and welfare officials in Washington vis-a-vis staff and regional officials who would help the Secretary knit the various programs together.

The assignment that was given to the Corson task force was to consider how to organize HEW. It was not how to organize the health, education, and welfare functions of the federal government. If that had been its assignment, it would have had to consider broadly what functions ought to be moved into and out of HEW. This would have been a presumptuous assignment for a Secretary of HEW, or a group of advisers appointed by him, to make. In consequence, no overall consideration was given as to how to organize these functions from the standpoint of the President, or from the standpoint of improving the organization of education programs and relationships throughout the government.

The Heineman Task Force on Government Organization

In the fall of 1966, President Johnson asked Ben Heineman, then Chairman of the Board, Chicago and Northwestern Railway Co., to head a secret task force on government organization to study the coordination and management of domestic social programs -- primarily "Great Society" programs -- in both Washington and the field. Other members of the task force were: McGeorge Bundy, President, The Ford Foundation; William Capron, Acting Director, Economic Studies, the Brookings Institution; Hale Champion, former Director of Finance, State of California; Kermit Gordon, Vice President, the Brookings Institution; Herbert Kaufman, Chairman, Political Science Dept., Yale University; Richard C. Lee, Mayor, New Haven; Bayless Manning, Dean, Stanford University Law School; Robert S. McNamara, Secretary of Defense; Harry Ransom, Chancellor, University of Texas; Charles Schultze, Director, Bureau of the Budget. The Task Force, working out of the White House, made its report in the summer of 1967 at a time when President Johnson was almost totally preoccupied with Vietnam. Nothing of importance came of it during the remainder of the Johnson term, but its recommendations were well received by the Ash Council during the Nixon administration.

The "Heineman Commission", as it was commonly called, concluded and asserted that poverty, discrimination, and urban blight would not yield to a series of isolated program efforts and that federal social programs were badly coordinated both in Washington and in the field. It recommended strengthening the program coordination staff of the President -- and his planning staff -- and the creation of Presidential coordinators in each of the regions. This would be accompanied by a Presidential directive to all appropriate Cabinet Officers and agency heads to decentralize to the regions most of the decision-making authority over "Great Society" programs, administered by strong regional executives with clear allegiance to department heads and the President. The only important organizational transfer recommended was moving the manpower development, training, and work experience programs of the Department of Labor and the Office of Economic Opportunity into a unified Manpower Administration in HEW.

The Task Force paid particular attention to the internal structure of HEW, recommending that it be so organized that related functions should be grouped together under three Under Secretaries, one for Health and Welfare, one for Social Insurance and Income Maintenance, and one for Education and Manpower. All were expected to evolve into staff arms of the Secretary, with the execution of the programs carried out through ten "Regional Administrators" whose roles they described as that of "Regional Secretaries." The recommendations, if carried out, would have gone a long way toward shifting from organization by purpose to organization by geographic region. Only limited steps were ever taken in this direction.

The Heineman Commission addressed itself explicitly to the question as to whether a new Department of Education should be created, and concluded that it should not be. It was afraid that such a department would turn into a self-interest pressure group, narrowly oriented, staffed by the same kinds of people then in the Office of Education, who were regarded as stodgy and incapable of the kind of imaginative leadership that was required. Just how the Commission's own plan would have overcome the latter difficulty was not made clear. It concluded its brief analysis of this question by saying:

> The Task Force believes that Presidents in the future will be better served by fewer strong departments than by a proliferation of weaker ones dominated by special interests. It is especially important that the President have *his* man running the show in HEW rather than a voice for any special set of interests. The less dependent the Secretary is on any special interests, the more effective he can be; and the more objective will be his recommendations to the President.[6]

The National Institutes of Research and Advanced Study, 1970

In February, 1969, the Subcommittee on Science, Research, and Development to the Committee on Science and Astronautics of the House of Representatives, chaired by Congressman Daddario, convened a group of advisers called the Research Management Advisory Panel. It consisted of James B. Fisk, James M. Gavin, Samuel Lenher, Wilfred J. McNeil, Don K. Price, C. Guy Suits, and Jerome Wiesner. Science Advisors James R. Killian, George B. Kistiakowsky, and Donald F. Hornig also met with the group. Its purpose was to study the appropriate organization of the science functions of the federal government. Since a large part of American science is conducted in the universities, the study is relevant to the organization of education.

The panel concluded that greater centralization of basic support for science, the arts, humanities, and advanced education was desirable. As a result, the subcommittee recommended the establishment of a National Institutes of Research and Advanced Studies (NIRAS). The new agency was to "consolidate federal responsibilities for basic research and graduate education, i.e. those scientific activities which are carried out in universities or similar institutions, and which are closely related to the total intellectual operations of higher education and advanced study."

Some consideration was apparently given to the question of whether the recommended agency should have Cabinet status, but a decision was made against it. It will be noted that the proposal did not suggest the removal of mission-oriented research from the various agencies; in fact, the report emphasized the need for continued close liaison in these words:

> Government managers need the ideas and innovations of university scientists and the scientists need (and want) to be aware of the urgent social problems which can be solved through the expansion of knowledge. To isolate the missions of government from the principal source of new ideas would be a grave error. Thus, the establishment of NIRAS would by no means lessen the need for close liaison and actual contracts and grants between universities and the mission agencies.

The relevance and importance of this quotation will become evident as we move into a discussion in later sections as to whether a Department of Education should be created and if so, whether research, including mission-oriented research, should be moved out of the mission agencies and into a Department of Education.

The NIRAS proposal attracted little attention, either in or out of Congress. It had no support from any quarter of the Executive Branch and apparently little from Congressmen other than Daddario.

The Ash Council Study, 1970, and the Proposed Department of Human Resources, 1971

Somewhat after his election in 1969, President Nixon named a group headed by Roy Ash, then President of Litton Industries, to study the organization of the federal government. In addition to Ash, the membership consisted of George P. Baker, trustee, Penn Central Railroad Corp.; John B. Connally, Secretary of the Treasury, and former Governor of Texas; Frederick R. Kappel, former chairman, American Telephone and Telegraph Corp.; Richard M. Paget, president, Cresap, McCormick and Paget, Inc.; and Walter N. Thayer, president, Whitney Communications Corp. Their reports to the President were submitted in May and November, 1970. President Nixon ordered the Bureau of the Budget to use them as the basis for a set of reorganization plans that would substantially restructure the federal government.

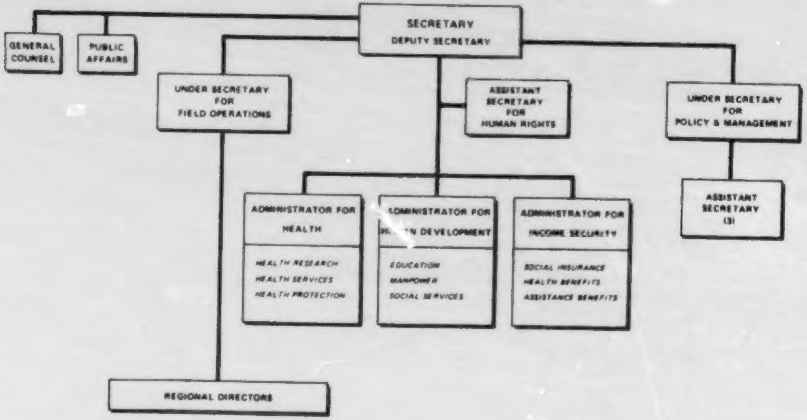
A primary goal of the Council was to narrow the President's wide span of control by the creation of four broad-purpose departments: Community Development, Natural Resources, Human Resources, and Economic Affairs. This accorded with President Nixon's natural inclination to restrict his dealings with executive officials to the smallest feasible number. The members of the Ash Council and the President seemed also persuaded that the restructuring would go a long way toward improving the efficiency of government operations and the delivery of services to the American people. President Nixon devoted much of his 1971 State of the Union address to his proposed dramatic reorganization of the federal government, but it made little impression on either the Congress or the public. Nevertheless, he repeated his recommendations in 1972. Again they fell on deaf ears.

On the following page there is a copy of the organization plan that was proposed for the Department of Human Resources. It is apparent from the chart that "Education" (without any designation as to what the organizational unit would be called), would be placed under an "Administrator for Human Development" who would be answerable to the Secretary of Human Resources. The Administrator for Human Development was clearly to be a line officer with the full range of management and control staffs that normally accompanies line responsibility. Thus, "education" would be subordinated more explicitly within the new department than within HEW -- one echelon further away from the President. This was one of a number of reasons why the proposed Department of Human Resources proposal never had hearings. It had no visible support in Congress and none from outside the Congress on the part of any organized group with substantial political influence. The President was its only important proponent. With an opposition Congress, it had no chance of enactment.

The Ash Council report was in many respects grounded upon the Heineman Commission report. Both task forces liked the idea of narrowing the President's broad span of control, creating large departments with management-minded Secretaries and closely-knit teams of planners and evaluators around the Secretary. Both were taken with the concept of delegating to powerful regional administrators the basic line responsibilities exercised -- then and now -- by program administrators located in Washington. Neither could see any reason to believe that the size or complexity of the Department of HEW might soon near the outer limits of manageability. The term "manageability", in this context, includes all of the complex of leadership and management responsibilities that devolve upon the Secretary of a dynamic department, not just the administration of the program responsibilities assigned to him or her by law. The extraordinary scope of responsibilities of the Secretary of HEW is a subject to which we will give considerable attention in subsequent sections.

PROPOSED

DEPARTMENT OF HUMAN RESOURCES


SECRETARY
DEPUTY SECRETARY
GENERAL COUNSEL
PUBLIC AFFAIRS
UNDER SECRETARY FOR FIELD OPERATIONS
ASSISTANT SECRETARY FOR HUMAN RIGHTS
UNDER SECRETARY FOR POLICY & MANAGEMENT
ADMINISTRATOR FOR HEALTH
HEALTH RESEARCH
HEALTH SERVICES
HEALTH PROTECTION
ADMINISTRATOR FOR HUMAN DEVELOPMENT
EDUCATION
MANPOWER
SOCIAL SERVICES
ADMINISTRATOR FOR INCOME SECURITY
SOCIAL INSURANCE
HEALTH BENEFITS
ASSISTANCE BENEFITS
ASSISTANT SECRETARY (3)
REGIONAL DIRECTORS

Source: Executive Office of the President, Office of Management and Budget, Papers Relating to the President's Departmental Reorganization Program: A Reference Compilation, Revised February 1972 (Washington: Government Printing Office, 1972), p. 199.

Presidential versus Congressional Perspective on Organization

In retrospect, it is noteworthy that so little resulted from all these studies, especially those made between 1964 and 1970. Much of the inaction may be ascribed to the shift of interest of President Johnson after the escalation of the Vietnam War and the fact that President Nixon and the Congressional majority were of different parties. But perhaps most fundamental was the divergence between Congress and the President (and, even more important, his advisers) as to how to organize the executive branch.

Congress does not like mammoth concentrations of power, programs, and money in a single department. In the case of the Department of Defense, it is unavoidable. Otherwise, it is not necessary, in the view of most Congressmen and Senators. The thrust of Congressional interest is to break up departments when they become overwhelmingly large. Efforts to increase the size of departments they consider already too large are met with stony silence. It is entirely possible that one of the principal reasons Lyndon Johnson did nothing with the Heineman Commission recommendations for the substantial enlargement of HEW was that he understood, intuitively, this difference of perspective and did not wish to risk a confrontation with Congress over it.

Appendix A contains a list of the bills introduced into the 73rd and 74th Congresses for the creation of a Department of Education, reflecting the pressure to break up HEW. A similar list of bills that seek the creation of a Department of Health could have been included. Efforts to take the National Cancer Institute out of HEW almost succeeded in 1972. A similar effort to remove the Food and Drug Administration from HEW also made considerable progress in Congress at about the same time.

This dichotomy of perspective between Presidents, and especially members of Presidential advisory commissions, on the one hand, and members of Congress, on the other, is worthy of careful thought by those who, in the future, may become engaged in seeking to reorganize the top structure of the federal government.

IV. CRITERIA FOR JUDGING ALTERNATIVE MODELS OF ORGANIZATION

Since the plan of this study involves comparing various models of organization, it is necessary first to consider and lay out the criteria by which to judge the relative merits of the models. The principles of organization that should guide a President in considering federal organization differ in many respects from those that normally guide the president of a huge industrial corporation or conglomerate.

1. Organization is an important expression of social values.

The act of elevating the organizational status of a function, especially when it involves creating an organization that is directly answerable to the President, is, first and foremost, an expression of the importance that the President, the Congress and the public attach to the purposes of that organization. When the Congress enacted the Employment Act of 1946, creating the Council of Economic Advisers directly responsible to the President and requiring the submission to Congress of an annual Economic Report of the President, this represented a new expression of national concern for the management of the economy so as to achieve balanced economic growth and full employment. A decade later, when the Nation was startled by the Russian sputnik in 1957, there was a strongly expressed desire that the United States should promptly do its best to regain the lead in the international competition for the exploration of space. This led to the creation of the National Aeronautics and Space Administration, with a clearcut mission, directly answerable to the President. When the country became increasingly distressed over the deterioration of its cities, the President decided to create a Cabinet level Department of Housing and Urban Development (which, incidentally, had a mission that exceeded its capacity) to reflect the importance that the society attached to the purposes assigned to the Department. The same was true when the Department of Transportation was created. Still later, when the American people became much concerned about the deterioration of the environment, two new agencies were created -- the Environmental Quality Council and the Environmental Protection Agency -- both directly answerable to the President, to demonstrate that the federal government really meant business in coping with environmental problems. Still later, when the energy crisis occurred, new agencies were created to cope with various aspects of the national energy problems, e.g., the Federal Energy Administration, the Energy Research and Development Administration, and the Nuclear Regulatory Commission (in the process of which the Atomic Energy Commission was abolished and its function divided up). Each was created to reflect a new national priority. This is the foremost purpose for creating a new department or agency directly answerable to the President, and the first criterion by which any new organizational proposal that contemplates creating such a new department or agency should be judged: Is there a new or revised national priority that calls for turning the spotlight on a purpose that the Nation should be emphasizing?

2. Organizations should be placed in a favorable environment for the performance of their central mission.

Accidents of history or the vagaries of politics have resulted in placing various organizations in settings hostile to them or where their major problems are not treated with suitable understanding and emphasis. A major purpose of government reorganization is to correct such conditions and place agencies where they can perform effectively. This was a major reason why the Office of Education was taken out of the Department of the Interior in 1939 and placed in the newly formed Federal Security Agency. It was why the Public Health Service was simultaneously moved from the Treasury Department to the Federal Security Agency. It was the reason for moving the Food and Drug Administration from the Department of Agriculture to the Federal Security Agency in 1940. Numerous other examples can be adduced of a similar rationale for reorganization transfers.

The fact that an agency is suitably placed in one decade may not mean that it is appropriately placed one or two decades later. Conditions can change rapidly, and when they do, organizational shifts may become logical and desirable. The Water Pollution Control function that was vested in the Public Health Service in the 1950s and early 1960s was elevated briefly to agency status within HEW in the mid-1960s, then transferred to the Interior Department, and finally, upon creation of the Environmental Protection Agency in 1970, it became an important component of the EPA. Agencies should be placed within settings that are most conducive to the achievement of their central missions.

3. Organization affects the allocation of resources.

Other factors equal, the higher the organizational level of any agency, the stronger the voice of its chief in advocating its cause and its fiscal needs in the highest councils of government. A third echelon official rarely can plead his case before the President, and does not often swing much weight before the Office of Management and Budget. The fact of being third echelon tends unconsciously to establish in the minds of those who make budget recommendations to the President that since the echelon is low in the hierarchy, it deserves a smaller share of the Nation's fiscal resources than if it were organizationally directly answerable to the President. Generally speaking, there is a positive correlation between high organizational status and relatively high resource allocation.

4. Organization by reasonably broad purpose serves the President best.

The President is usually best served and the public is best served when Cabinet Officers are put in charge of organizations whose purposes are sufficiently broad so that they exceed the span of concern of any single clientele group. One of the functions of Cabinet Officers should be to aid the President in his always difficult task of making all clientele groups understand that resources are limited, that not all programs can be of highest priority, or of equal priority, and that governance is the process of making hard choices in a manner that will enlist confidence in the fairness of the process and of the decision-makers, even when the clienteles do not agree with the decisions. This role can be better performed when the portfolio of a Cabinet Officer is broad enough to encompass a substantial range of programs and clientele groups, some of which are competing with one another for attention and resources.

On the other hand, a President is poorly served when the portfolio of assignments to a Cabinet Officer is so broad as to exceed the capacity of all but a Superman to perform them effectively. If the definition of the purpose of a Department is excessively broad, certain responsibilities that the President and the Nation may wish to treat as being of first order of importance will inescapably drop to second or third order and effective leadership of these functions becomes virtually impossible. The advantage gained by breadth of perspective is then more than offset by failure of effective performance. Emphasis should therefore be placed on a *reasonably* broad set of purposes and responsibilities, *not the broader the better*.

5. *Wide span of control has significant advantages, especially in the federal government.*

While Presidents may prefer Cabinet Departments that are few in number, broad in scope, and large in size, there are various advantages to having a dozen more moderate size. An organizational structure that is in the form of a steep pyramid, with narrow spans of control at each echelon, requires long lines of communication (causing communication and administration to be less efficient), increases administrative expenses, and increases problems of coordination. Anthony Downs, in his *Inside Bureaucracy*, illuminates these points with clarity. His principles are worth quoting:

> The foregoing analysis underlies our statement of three principles of organizational control. The first is the Law of Imperfect Control: *No one can fully control the behavior of a large organization*. The second is the Law of Diminishing Control: *The larger any organization becomes, the weaker is the control over its actions exercised by those at the top*. The third is the Law of Decreasing Coordination: *The larger any organization becomes, the poorer is the coordination among its actions.*[7]

These principles argue for avoiding gigantic departments. Thus, the President is confronted with two opposing sets of considerations, one pushing him toward a few very large departments, and the other pushing him toward a dozen or more not-so-large departments. He must balance these considerations. The broad span of control implies the maintenance of sufficient staff at the super-departmental level to handle certain types of coordination that might otherwise be performed within super-departments. Two other factors should influence his judgment; both are sufficiently important to be treated as separate criteria -- organization as a means of attracting first-rate leaders, and organizational balance as a means to the accomplishment of the President's major purposes.

6. Organization is important in attracting and retaining first-rate leaders.

The principal attraction high government posts have to offer is the combination of prestige and power (opportunity to influence outcomes and be of service to the Nation). Both prestige and power diminish rapidly as the number of echelons between the President and any official increases. Frustration sets in, and opportunities to influence outcomes, expected by many appointees to be substantial, turn out to be less than they expected. Since many of them are continuously operating at a financial sacrifice while they are in Washington, the psychic rewards must be substantial (or they must have independent means, or both) in order to keep them at their posts for more than the typical two years.

In large business corporations, salaries and other benefits can be scaled in such a way as to attract and hold the high quality talent needed to run the company. In Government, this is not possible. The salary of Cabinet Officers is $63,000 and the next highest level if $44,600. The salary of the Commissioner of Education is $37,800 (under a pending bill this would be raised to that of Under Secretaries which is $42,000). The salaries of most large city school superintendents exceed that of the Commissioner of Education, often by a substantial margin. The practical upper limit upon all executive salaries, except the President and Cabinet Secretaries, is that paid to Congressmen, and Congressmen are wary about setting their own salaries so high as to make their constituencies critical. With the exception of Cabinet positions, salaries are, therefore, a negative inducement to most potential appointees. Other factors must be sufficiently attractive to offset that negative inducement.

Holding on to the services of first-rate officials is harder than attracting them in the first place. The turnover of officials below the Cabinet level should be cause for greater concern than it is. Assistant Secretaries and heads of subordinate agencies average less than two years of service. It takes at least a year for most such officials to learn to perform their jobs well. This means that half the time they are there they are working well below an acceptable level of performance. Often, too, there are long gaps between the departure of one official and the arrival of his replacement. This is an unhealthy situation. It is important, therefore, to make as many officials as possible feel that they are part of the President's team, close enough to feel the aura of the White House and loyalty to the President and his program.

Because of these factors, it is more in the President's interest and in the public interest to be able to have a rather large than a rather small number of Cabinet posts, so as to attract and hold the country's highest caliber people. Cabinet posts have magnetic appeal. Lower level positions have reasonable appeal only when the appointees are working directly with an influential Cabinet Officer or are otherwise able to feel that they are being effective in bringing about important change. If there are not strongly offsetting arguments, therefore, (which must be examined in each case), a comparatively wide span of control is in the President's interest and in the public interest because it enables him to attract and hold more first-rate appointees than any other form of organization.

Increasing the number of Cabinet Officers need not be inconsistent with a reduction of the number of organizational entities in the federal government. There are now eleven Cabinet Departments; increasing the number by one or two could be more than offset by reducing the number of small independent agencies answerable directly to the President by subsuming some of them within departments.

7. Balance is important in government organization.

Balance in an important but underrated criterion by which to judge the merit of organizational proposals. An organization like HEW that has some three hundred programs and expenditures of $145 billion -- well over half of all the expenditures for domestic programs -- is inherently suspect as a useful organizational model, and further enlargement of it, as through a "Super-Department" of Human Resources, is even more suspect. Administering so huge an array of programs is complicated by the nature of Congressional relationships. The Congress would not tolerate the concentration of power in one substantive committee to deal with all the legislation affecting the Department of HEW; it is divided up among many committees, more than is true of any other federal department. The Secretary of a Department of Human Resources would be even more overwhelmed than the current Secretary of HEW. He or she could not deal personally with all the affected committees, and in consequence, even more of the legislative business of the Department would be conducted by underlings who deal with the staffs of the scores of subcommittees where the work is done. A coordinated approach to the manifold problems and programs of the Department is virtually impossible because of both volume and proliferation among Congressional subcommittees.[8]

A related consideration is the matter of balance among departments in respect to important emerging national issues. If the Secretary of a single department has responsibility not only for administering a disproportionate share of existing domestic programs, but is also expected to be the leader in the development of the lion's share of the new programs of vital interest to the Nation, the principle of balance again comes to the fore. Under current organization, for example, the Secretary of HEW is responsible not only for being the principal leader within the executive branch in respect to matters affecting education, but is expected to be at the center of the enormous complex of issues revolving around the "federalization of welfare" and "national health insurance". These are but two of a substantial list. Each is enough to demand a major share of the time and attention of a competent Cabinet Officer; to put both of these on the shoulders of one Secretary and expect that any time would be left over to deal with the important long-range but perhaps less immediately pressing issues in the field of education is to ignore the realities of political and administrative life.

In the public arena especially, the urgent is the deadly enemy of the important! When a huge department is a mixture of matters that are politically "hot" and those that may be equally important in the long run, but represent few problems of pressing urgency, the great preponderance of the Secretary's attention flows to the urgent issues. If one wishes to see that the less dramatic, longer-range issues are given their just due, it is important to see that they are not submerged within an organizational framework where nobody of consequence has any time for them. Balance is therefore a matter of considerable importance.

8. When purposes overlap, one must be designated as dominant.

When the principle of organizing by major purpose is followed, it becomes inevitable that purposes will overlap. The concerns of the Department of State overlap with those of the Department of Defense. The concerns of both overlap with those of the CIA. The purposes and programs of the Treasury Department overlap with those of the Social Security Administration of HEW. The programs of the Veterans Administration involve health, education, and welfare activities on behalf of veterans, thus cutting across the same field of activities pursued by the Department of HEW. In that case, for example, it has been decided that when health is a matter that is service-connected, it will be treated as a veterans matter. Similar overlaps occur throughout the government. Many are inevitable because purposes cannot be defined so as to put them in watertight compartments.

Whenever purposes are so defined that they are carried out in more than one organizational unit, it is necessary to decide first, which purpose is dominant, and second, the extent to which and the manner in which the activities of the several agencies need to be coordinated. For example, there are scores of fellowship programs throughout the government that have been created to develop the skilled manpower that is needed to assure the success of the mission-oriented agencies such as Defense, NASA, Agriculture, the new Energy Research and Development Administration, the NIH, etc. These are obviously education programs as well as being defense, space, energy and health programs. But the decision has been made that these are primarily mission-oriented programs, and education programs only secondarily. It may be desirable to review this decision at intervals -- and it is a major purpose of this study to review them -- but when purposes overlap it is important to decide which is the dominant purpose, and to group related programs within organizations according to the dominant purpose. Identification of dominant purpose will be one of the major criteria used in this study to determine where education programs should be organizationally placed.

9. When purposes overlap, a system of coordination must be established.

The most difficult job in the field of public management is not the business of deciding how the functions of government should be divided among organizational units, but how the functions can and should be effectively coordinated after they have been divided up. All government is a complex set of matrices; if work is divided on one set of principles or axes, it must be coordinated on another. This is the basic reason for the classic organization by "line" and "staff", a useful, almost indispensable method of coordination, but unfortunately not the full answer to the need for coordinating related functions. A major purpose of this study, therefore, is to examine the need for improving the coordination of functions concerned with education. The need is acute and the task unusually difficult.

10. Programs should be grouped on the basis of their affinity or the potential for cross-fertilization.

The grouping of programs under one organization should depend in large measure on the number and importance of the actual or potential interrelationships between them. If there are numerous interrelationships that demand close working relationships, the argument for putting the programs together in the same department seems strong; in the absence of a compelling contrary argument, this is usually a controlling reason for grouping programs together. When interrelationships are few, but need to be strongly encouraged, this too is good reason for bringing them together in one organization.

11. Reorganizations have traumatic effects which should be carefully weighed.

Reorganizations vary widely in the degree to which they disrupt the skein of human relationships that are the communications and nerve networks of every organization. Some reorganizations cause little or no disruption, while others are truamatic. The creation of the Department of HEW, in 1953, out of what had previously been the Federal Security Agency was one of the easiest reorganizations ever performed. Only the name was changed, the administrator was made a Cabinet Secretary, and three new positions were added. The cost, in administrative disruption, wes zero. Other reorganizations may involve a great amount of reshuffling of people from one organizational and physical location to another, necessitating a whole new set of human relationships, superiors getting acquainted with new subordinates and vice versa, old habits and trusted relationships and communications patterns terminated and new ones initiated. Such were the reorganizations of the Office of Education in 1965, and the Public Health Service in 1968, involving its virtual abolition. Reorganization of the latter type requires much time for healing.

Reorganizations of the latter type may be analogized to surgical orperations. It is important that their purposes be carefully assessed and a thoughtful judgment arrived at that the wielding of the surgical knife is going to achieve a purpose that, after a period of healing, will be worth the trauma inflicted. And the surgical knife should not be wielded again and again before the healing process from the earlier incisions has been completed. Yet that is what often happens in government reorganizations. Agencies are kept in a constant state of disruption by having Presidential appointees who may average two years service, or less, conclude that the organizational structure left by their predecessors is not sound because the results being produced are not satisfactory. Hence, they feel they must reorganize. The problem may not be organizational at all, or not primarily organizational, and it may be partly a problem of too much reorganization. Repetitive reorganization without proper initial diagnosis is like repetitive surgery without proper diagnosis: obviously an unsound and unhealthy approach to a malady.

It is essential, therefore, that the initial diagnosis of the malfunctioning be carefully done, that reorganizations be designed to achieve clearly defined purposes, and that they be no more disruptive than they need to be to accomplish the overriding purpose. In medicine, this is known as minimal or conservative surgery.

12. Reorganizations that require congressional approval or acquiescence should be carefully weighed to make sure that they are worth the expenditure of political capital involved.

Last, but by no means least, is the assessment of political costs involved in bringing about a reorganization. A few reorganizations may have very low political costs. For the most part, these are likely to be reorganizations without high yield, either in political or administrative terms. Yet this is not necessarily so. There may be a few such reorganization options open to the President. The more difficult problem arises when the political costs begin to rise because of the pressure groups that would be offended and the number of Congressmen and staff members whose bailiwicks would be adversely affected. When the political costs are substantial, the President should be apprised of the fact in advance and, obviously, should not seek reorganizations that will be politically expensive unless he is prepared to expend a substantial amount of political capital in gaining their approval. Reorganization plans submitted and turned down or ignored (if they require affirmative legislation) are humiliating, the more so if the President's party controls Congress. It is important, therefore, before drawing a "trial balance" on a series of models of reorganization, to examine the positions that the key interest groups and Congressmen (and staffs) are likely to take on the various models and cast them into the balance in arriving at judgments as to both desirability and feasibility.

13. Economy as a goal of major reorganization is a will-of-the-wisp.

Least important in considering reorganization options is the matter of whether dollar savings can be accomplished by them, or whether the new organization will cost more, and if so, whether it is worth the extra cost. It is extremely difficult to predict in advance how much, if anything, can be saved, and it is impossible to prove after the fact whether anything has been saved. The comparison that must be made in a continually shifting context is the amount that a new organization pattern will cost compared to what it would have cost under the former organization. Since it is never possible to know what costs would have been without a reorganization, such calculations are fruitless.

Almost invariably, reorganizations that elevate the status of a subordinate organization to a higher level, especially those that create new Cabinet Departments or new agencies directly answerable to the President, result in larger staffs for the Secretary or the Administrator, and those staffs are more highly paid than they were when the organization was at a lower level. Indeed, that is one of the purposes of such elevation. If a function needs stronger leadership, one important way in which such leadership can become effective is by creating higher and more prestigious positions and providing such leaders with the opportunity to surround themselves with first-rate staff. It would be a mistake to pretend or predict that these officials are going to be so competent, managerially speaking, that they will be able to reduce the costs of the subordinate units of the organization in sufficient degree to more than offset the added costs of the larger and higher-paid staff at the top. It could happen; the likelihood is great that it will not.

Even more unlikely is that money will be saved by merging existing organizations into larger aggregations and putting a new super-structure over them. The additional layer is almost certain to cost more money. To the extent that savings are achievable in the federal government through improved management, they are likely to be made through changing policies and procedures, not organization.

Thus, it would be a mistake to place the subject of economy on a list of important criteria for judging the desirability of any proposed reorganization. It is, of course, both necessary and desirable to consider estimated costs in relation to possible benefits, but these estimates should not be a controlling consideration in most instances.

The criteria enumerated above should be the primary considerations in judging the desirability of a reorganization proposal.

V. THE PROBLEM WITH "EDUCATION" AS AN ORGANIZING CONCEPT

Fifty years ago, the number of federal programs and activities that provided funds to educational institutions and their student bodies and faculties was no more than a dozen; it is now more than five hundred No coherent plan has guided the proliferation of these programs and no person in the executive branch or the Congress is responsible for trying to develop such a plan. It is no wonder that there are cries of dismay and demands for some form of organization that would bring at least moderate order out of what often seems like chaos. But before considering what form of organization might be appropriate to bring about greater order, it is essential to consider whether there is, in fact, any coherence to the hundreds of programs that we now classify under the general rubric of education. Is education a useful organizing concept under which all these programs could be grouped and directed by a single administrator charged with developing consistent policies for them all? Important as the elimination of inconsistent policies, regulations, processes, and forms may be, the way to achieve coordinated policies and practices may not be through treating education, per se, as an organizing concept.

Education, broadly conceived, is an integral part of most human activity. If the word education is intended to mean the processes by which people develop and learn to comprehend new ideas, concepts, and experiences, and acquire new skills, it goes on in both organized and unorganized settings in all age brackets. It is an integral part of all work performance and cultural and recreational pursuits. Education in this broad sense is intertwined with work in the same way that analytical thinking, writing, and research are parts of the work process. In this meaning, it is obviously impossible to extract it from the work process and put a government official in charge of all of it. No one would think of suggesting the creation of a federal Department of Analytic

Thinking and Research which would assemble all the analysts and researchers in one organization to perform these functions for the entire federal government. It is only when we shift to a narrower concept of education as encompassing those activities that go on within the walls of educational (and possibly other cultural) institutions that there begins to be a deep concern about the confused impact of hundreds of programs that funnel billions of dollars to educational institutions, and an intuitive feeling that perhaps this confusion could be overcome by bringing these programs together in a single department. To many people, no other answer is apparent than to give one high level official -- possibly a Cabinet Officer -- the responsibility for developing and administering on a coherent and consistent basis, all the programs that channel federal funds into education systems. But if we examine this second use of the word education -- activities pursued by educational institutions -- we quickly find that it is not a workable organizing concept, either, if it means bringing together all such functions under one administrator.

Let us again take the example of research, one of the four main activities of the Nation's large universities and an indispensable function of all mission-oriented departments and agencies of the government. These agencies have three ways of conducting their research: (1) directly, through their own laboratories and other research arms, (2) by grants to, or contracts with educational institutions, and (3) by grants to, or contracts with other private or public enterprises with research competence. If we define education, for the purpose of determining appropriate government organization, to include research when it is conducted in educational institutions, but not when it is conducted by the government directly or through non-educational institutions, it leads us into an administrative swamp. It would mean extracting (or trying to extract) from all the various mission-oriented departments and agencies that part of their total research function that is conducted through educational institutions, while leaving intact the research that is conducted "in-house" and that done by contract with non-educational institutions. Research done through the Naval Research Laboratories, for example, the Rand Corporation, or the Batelle Institute would stay with the Department of Defense, while research done by contract with any of the numerous universities through which defense-connected research is conducted would be removed and transferred to the new administrator of education programs. There is no rational ground for making such a division and no feasible way of administering it.

The research functions of mission-oriented departments and agencies must be treated as a coherent whole, with options available to the mission agency as to which of the three modes of research is most appropriate for any given project. Even if it were possible to extract and assemble all university-conducted, federally-supported research in a single department or agency, to do so would have a devastating effect on the amount of federally supported research conducted by universities. The mission agencies would rapidly shift much of their research to the other modes of operation: in-house research or contracts with non-educational institutions. Only in this manner would they have the direct relationships with the persons conducting the research which they deem essential to the achievement of their purposes.

It will be recalled that the essentiality of maintaining close working relationships between the numerous mission agencies and the research components of the university world was stressed by the Daddario Committee in its 1970 report, quoted in Section III. "To isolate the missions of government from the principal source of new ideas would be a grave error. Thus the establishment of NIRAS (National Institute for Research and Advanced Study) would by no means lessen the need for close liaison and actual contracts and grants between universities and the mission agencies."

When viewed in this light, it is apparent that a large portion of the research money that is now expended by the federal government in educational institutions is so channeled because the agencies believe they can get more and better results for their research dollars by so doing than by spending it otherwise. The primary purpose is not the support of American universities. If the achievement of the major purposes of these various mission-oriented agencies were to be jeopardized by any organizational rearrangement, it would quickly become apparent that these are not primarily educational programs, but defense programs and energy programs and health programs and all sorts of other programs primarily, and only secondarily are they education programs. It is thus quite clear that education, when it is conducted by and through educational institutions, is not an overriding organizing concept for the federal government. That is, it does not imply the need for a single line agency that administers all programs that channel funds to educational institutions.

The same is true in lesser degree when we examine the use of educational institutions for the purpose of providing specialized training for persons who are expected to spend most of their careers in mission agencies, or in the fields supported by mission agencies. For example, the military establishment has numerous programs under which they send both military and civilian career personnel to educational institutions for specialized training. In doing so, they deal directly with such institutions, discussing the offerings of the institutions and the applicability of the courses to the needs of the career personnel. The Defense Department selects the nominees; the institutions work closely with the military in trying to work out mutually satisfactory course arrangements and reports. The decision by the military establishment to use the educational institutions to conduct a significant part of their training was a voluntary one. If impediments were put in their way by transferring responsibility for such training to the Office of Education, or to a Department of Education, the Department of Defense would be inclined to expand its own "in-house" training capacities and decrease the number of its career employees sent to universities. The utility of education and training that the Department of Defense wishes to provide its employees depends in large measure on its capacity to deal directly with those who are to provide the education and training. Such education and training are support programs; the primary purpose is national security. Again, we perceive that education, when it is conducted by and through educational institutions, is not an overriding and unifying concept of organization.

Even the Veterans Administration programs for tuition and subsistence of eligible veterans and the Social Security programs for the education of the surviving children of deceased and disabled Social Security beneficiaries are primarily related to the purposes of those two programs. It may seem that in these two cases there is a good case for treating them as primarily education programs and grouping them together in a single education organization that has full responsibility forproviding education benefits to all students, regardless of the legal source of their eligibility. But if we examine the matter, even briefly, it becomes quickly apparent that to do so would add enormously to the cost, slow down the process of eligibility determination, and all to no purpose.

Both the Veterans Administration and the Social Security Administration have detailed, integrated, and computerized records on the basis of which they determine the eligibility of all applicants for benefits. These records could not be and should notbe duplicated in a Department of Education. If a Department of Education were assigned the responsibility for "administering" these programs, what would its role be? The Social Security Administration has a thousand strategically located district offices throughout the United States to provide direct services to its clientele; the Office of Education has ten regional offices providing no direct services. The Social Security offices are all tied by wire with the central computer bank in Baltimore. Applicants can deal with any one of the thousand offices directly and get prompt information on their eligibility. If the Social Security educational benefits program were to be transferred to an education department or agency, applicants would presumably deal by mail with the education agency, which would then have to communicate with the SSA in Baltimore, obtain the necessary information and send it back to the applicant. A similar process would be necessary in the case of determining the eligibility of veterans. The education agency would become a transmission bottleneck, serving no useful purpose, between the applicant and the agency that possessed the basic set of records on which eligibility is based. It is hard to imagine any form of organization that would more surely and quickly result in administrative chaos than to transfer the education benefit programs of the VA and the SSA to a central education agency or department.

What is needed in respect to the student aid programs is coordination of policies, regulations, and procedures, which is very different from total administration by a single department or agency. Such coordination across agency lines is both an important and a difficult thing to achieve, but by no means hopeless. Ways must be found to make it work if large and complex government is to be made manageable. No matter how the government is organized, interagency coordination is essential. It is one of the purposes of this study to suggest ways in which such coordination can be achieved more successfully than has been feasible heretofore (see Section IX).

Of the 439 federal programs that channel funds into post-secondary educational institutions,[8] the large majority could be classified as having as their major purpose the support of the objectives of agencies with missions other than education. Thus, a substantial share of all the federal funds that are received by post-secondary institutions come to them not because the federal government has decided to underwrite educational institutions, but simply because the educational institutions have for sale, so to speak, services that the federal government wishes to buy in order to achieve a wide variety of public purposes.

We conclude, therefore, that the notion of using the education rubric as a justification for the creation of a single department or agency within which to group all federal programs that disburse funds to educational systems and institutions, either directly or through students, is not grounded in good theory and would be infeasible in practice.

Is there, then, any useful sense in which education can be used either as an organizing or a coordinating concept? If we shift our focus from that of assembling in one agency all federal programs that dispense funds to educational institutions and students, to one of policy, regulatory, and procedural coordination, the answer would appear to be yes. The rationalization of education policies, regulations, and practices will not be an easy undertaking, but it is one that is far more within the realm of the possible than assembling all education programs in one department. To this coordinating concept we shall shortly be giving major attention.

VI. SIX ORGANIZATIONAL MODELS: THEIR ADVANTAGES AND DISADVANTAGES

As a preface to comparing various models of organization, it is useful to have in mind what the President can and cannot do by the process of "Reorganization Plan." Under the Constitution, the President cannot create a new Cabinet Department by Reorganization Plan if a new purpose clause and other substantive changes are needed. Such a major step requires affirmative legislation of both houses of Congress. The rare circumstance under which a Cabinet Department can be created by Reorganization Plan is when there is an agency already in existence that has an appropriate purpose clause and requires no substantive change or addition to its authorities, and when there is in existence a Reorganization Act that authorizes the President to establish Cabinet Departments by Reorganization Plan. That combination occurred only once, in 1953, when the Federal Security Agency was converted to the Department of Health, Education, and Welfare.

The President's very limited power to create new Cabinet Departments by Reorganization Plan was taken away in 1962. His power to order major reorganizations unless specifically disapproved by the Congress within 60 days lapsed in 1972. Re-enactment of the latter power seems likely if the President presses strongly for it, but it is important to bear in mind that such legislation cannot give the President the power to create new Cabinet Departments if a new purpose clause and other substantive changes are essential. This need almost always exists. It is a virtual certainty, therefore, that any proposal for the creation of a new Cabinet Department must be accomplished by affirmative legislation.

Affirmative legislation that is either controversial or complex, or both, can almost never be enacted expeditiously. Long hearings are required in each house, and lengthy deliberation usually follows. Extensive amendments are the rule. The end product understandably reflects a series of compromises between the recommendations of the President and the interests of Congress and the various constituencies its members represent. When the President is considering the creation of a new Department, therefore, he must bear in mind that the more controversial and complex the plan, the smaller the likelihood that the end product will closely resemble his recommendations.

The Six Models

Six models have been chosen for analysis and comparison, as potential ways to organize the education programs and functions of the federal government, with subsequent discussion of certain possible variations. These models are believed to illuminate the principal options most likely to receive attention. They are:

A. The existing Department of Health, Education, and Welfare

B. A Department of Human Resources (the model proposed by President Nixon in 1971 and 1972)

C. A Department of Human Services, with several sub-Cabinet Departments

D. A Department of Education

E. A Department of Education and Human Development

F. A Department of Health, Education, and Science

All six models will be tested against the set of criteria established in Section IV.

The First Three Models

The first three models are sufficiently similar so that they can be discussed together. All are based on these four premises:

- That services to people to promote their health, education, welfare, and income maintenance (and, in the third model, their employment) form a coherent grouping of functions that is useful in organizational design;
- That each of these types of service has an important set of relationships with the others, at the federal level, that can and should be fostered by being in a single department;

- That the President is best served by having a small number of departments with large portfolios of responsibility and that Cabinet Secretaries whose perspectives are very broad can best help him to pursue the "public interest" rather than Secretaries whose views more nearly coincide with the narrower interests of particular clientele groups;
- That the current Department of HEW is not so large as to exceed the leadership and management capacity of a competent Secretary, and that the same would be true of a larger and more diverse department.

Let us examine each of these premises and then look at these three models in terms of the remaining criteria set up in Section IV.

Until examined closely, the concept of relating all human services at each level of government under a single official has a certain magnetic appeal. The problem is how far this principle of consolidation can be carried without reaching the point of diminishing returns through the excessive concentration of responsibilities in one official. If this principle were carried to its logical conclusion, a Department of Human Services (or Human Resources) would encompass not only all that is now in the Department of HEW, but most of what is in the Department of Labor, much of the Department of Housing and Urban Development (housing is obviously related to health, education, and welfare), much of the Department of Agriculture (the food stamp and school lunch programs), and all of the Veterans Administration and the Railroad Retirement Board. Even parts of the Department of Transportation would logically belong in a Department of Human Services. The proposal for a Department of Human Resources came close to this position. It left out the Veterans Administration not for reasons of logic but on grounds of political expediency. Even without the Veterans Administration, and without any of the additions proposed under a Department of Human Resources, the budget of the Department of HEW is larger than that of all other domestic departments and agencies put together (excluding interest on the public debt). With such additions, the Department would completely dwarf and overwhelm all other domestic departments.

Are the interrelationships between the programs actually so close that being placed cheek-by-jowl in a single department is necessary or important, and would they be jeopardized if some of the functions were moved to another department? Most persons with long experience in HEW say that the relationships between the education components of HEW and the rest of the Department are far less frequent and less important than those between the other components. No state in the United States, and no other modern nation has grouped "Education" in the same department as "Health" and "Welfare". It is a unique organizational linkage that came about in the United States Government quite by accident.

The Office of Education was a tiny bureau in the Department of the Interior, an anomaly in that location and one that Interior Secretary Harold Ickes was eager to terminate when President Roosevelt's organizational advisers set about, in the first Reorganization Plan of 1939, assembling bureaus and agencies dealing with human services in a new framework. Since the federal government then had comparatively little concern with human services, and since no bureau dealing with these services was large enough to be considered for departmental status, Roosevelt and his committee decided to put a number of bureaus and independent agencies together in a non-Cabinet department called the Federal Security Agency. The Social Security Board, the Public Health Service, and the Office of Education became the tripod of its framework. But in the 37 years since they were brought together (the name of the Federal Security Agency was changed to the Department of Health, Education, and Welfare in 1953), there has been little evidence of interaction between education and either the health or welfare components of the Department. Thus, the grouping was more accidental than affirmatively necessary for purposes of close working relationships.

The third premise of these three models -- breadth of perspective and avoidance of narrow clientele representation at the Cabinet table -- was identified earlier as a desirable organizational criterion (Section IV). These models seem to meet the criterion of breadth. It was emphasized, however, that a portfolio of responsibilities could be too broad, so broad as to interfere with the performance of the leadership and management role that the President must expect from his Cabinet Officers. Breadth should not and need not be bought at the high price of giving a Cabinet Officer so many major duties that he can perform none of them well. This is what has happened with the current Department of HEW since the Department has reached its present gigantic size, and it is a condition that would be aggravated by such plans as the creation of a Department of Human Resources or by any other enlargement of the current Department.

In twenty-three years, there have been 11 Secretaries of HEW, an average of barely two years of service. Many have left because of either frustration or the intolerable physical and psychological burden upon them, or both. Each year the burden rises. Each year the need for leadership to cope with increasingly complex problems becomes more acute. Each year the amount of time that the Secretary can allocate to any one of them diminishes. In consequence, it is hardly surprising that the career executives of the bureaucracy and "career" Congressmen and Senators with two or three decades of experience in narrower programs of the Department, supported by staffs of substantial longevity, are often far more knowledgeable about the HEW programs and, in consequence, tend to be correspondingly more influential in determining outcomes, than a short-term, diffusely focussed Secretary.

Breadth of perspective in a Cabinet Officer is unquestionably a desirable attribute from the standpoint of a President. But such breadth of perspective need not be achieved exclusively, or even primarily, by giving the Cabinet Officer an extremely broad set of responsibilities. If the portfolio is reasonably broad and manageable, the President is best served by appointing a broad gauge person in the first instance and seeking to create conditions that will encourage his appointee to remain for much longer than two years. Viewed in this light, the first three models are self-defeating.

Comparing the Models with the Criteria

When we examine these three models from the standpoint of how well they meet the other criteria for good organization enumerated in Section IV, we find that they fail on almost all counts, especially in respect to the organization of education programs. First, the low degree of education in the federal structure is, as already pointed out, an accident of history;

it is not an accurate representation of the relative importance accorded to education by the American people or the federal government. When the Commissioner of Education attends an international conference on education, he is the lowest ranking officer, in terms of protocol; all other major nations have Cabinet Departments of Education. This is not easily explained to the rest of the world, particularly Third World countries to which we are continually recommending education as an important avenue to development.

Second, education is not now located in a favorable organizational climate. It does not receive the degree of leadership attention from the Secretary of HEW that is needed, and the Commissioner of Education cannot act independently to exert such leadership. The overwhelming proportion of the Secretary's time is devoted to other matters.

Third, the allocation of resources that occurs within a Department where uncontrollable increases amount to $15 to $20 billion annually is unfavorable to a fair consideration of the education budget, most of which is controllable and therefore bears the brunt of downward budgetary pressures. The 1977 budget for HEW is $145 billion, of which $7.5 billion is for education. The programs of Social Security, Medicare, Medicaid, and Public Assistance are expected to spend $132 billion, or 91 per cent of the total. These are the principal uncontrollable elements of the HEW budget. From 1970 to 1977, these programs grew by an average of approximately 15 per cent per year, rising from $45 billion to $132 billion during this period. Meanwhile, the budget for the programs of the Education Division of HEW grew from $4.1 billion to $7.5 billion, an average annual increase of 8.3 per cent. There is, of course, no self-evident reason why the rates of increase should be comparable, but what seems highly probable is that when education programs must compete for budgetary increases within a department that has "uncontrollable" increases each year that exceed the total budget for education, there cannot help but be a negative impact on the budgetary allocations for education.

When HEW's budget is moving up faster than that of any other domestic department, sheerly because of its uncontrollable elements, the Office of Management and Budget and the President have a natural desire to "contain" the rest of the HEW budget, now allowing the controllable parts to move up any faster than is absolutely necessary. The result has been that the budgetary allocations for education in the President's budget have been so low that they have been regarded by the Congress as unacceptable. Congress has, in recent years, consistently added appropriations to the President's budget for education. While this stems in part from a difference in political philosophy, it seems extremely likely that the President's budget would have allocated more funds for education if education had not had to compete with huge uncontrollable increases for other purposes. These uncontrollable increases are destined to continue for years to come. Organizational setting and status inescapably affect both budgetary allocations and ultimate appropriations.

Turning next to the span of control issue, we face the trade-off between the seeming advantages to the President of having a few very large organizations and the difficulties of managing massive organizations. Under Anthony Downs' principles of organization, to which earlier reference was made, the larger an organization becomes, the weaker is the control over its actions exercised by those at the top and the poorer the coordination among its actions. Unless there is an overwhelming advantage to the President in having such enormous departments as HEW (and the even larger departments proposed in the other two of these first three models), the arguments would appear to be strongly on the side of a larger number of departments of more moderate size. No such overwhelming advantage to the President from a mammoth department is evident.

Fifth, these three models are especially ineffective in attracting and holding first-rate leaders needed both to administer existing programs and to carry the major responsibility for working with the Congress and the numerous affected state and local governments and institutions in designing and redesigning programs. A Department has, by definition, only one Cabinet position. It should be a magnet for competent people, but it is not. The position of Secretary of HEW is now generally regarded as an "almost impossible" one to perform in a manner that will enhance the reputation of the incumbent; a still larger department would be likely to repel good and wise candidates more than attract them. Lower echelon positions, no matter what their titles, have the disadvantage of being of significantly lower status than that of their Cabinet superior; they have the second disadvantage of being equivocal in their standing before the public. An appointee to such a position cannot be the Administration spokesman for programs he or she administers and the legislative changes the Administration is seeking. That role is necessarily shared in an uncertain manner with the Cabinet Officer. If the Cabinet Officer has the central role, but insufficient time to perform it adequately, the lower echelon position becomes an uncertain role and is correspondingly unattractive for many competent people. These three organizational models all rank very low, therefore, when measured against the criterion of attracting and holding first-rate appointees.

The equivocal role of Commissioners of Education has undoubtedly been a significant factor in their limited tenure. As in the case of Secretaries of HEW, there have been ten Commissioners of Education in the last twenty-three years (and long periods of vacancy), an average of only two years of service[10]. The impossibility of effective leadership under such circumstances is self-evident. That there is a substantial causal connection between the frustrations deriving from the current structure and the short tenure of the appointees is undeniable. A still larger department would only aggravate the basic problem.

The three models rank lowest of all on the criterion of balance. A Cabinet Department that is so huge in terms of numbers of programs and the size of its budget that it exceeds all other domestic programs combined is clearly out of balance with the rest of government.

Finally, on the criterion of the affinity of the various units within a Department, and the potential for cross-fertilization, the three models vary in their ranking. The current Department of HEW and a Department of Human Services rank rather high in respect to the actual and potential interfaces between health, social security, and welfare; the interfaces of these three with education are relatively few. A Department of Human Resources that assembled all of the employment and training (and unemployment insurance) programs of the Department of Labor into a Department containing all the functions of HEW, would significantly increase the potential for cross-fertilization between the employment and training functions and the education programs, and between the unemployment compensation programs and the range of income maintenance responsibilities now vested in the Department of HEW. These are distinct pluses. These linkages need to be improved. If they could be accomplished in a Department that was not overwhelmingly large, without all the shortcomings enumerated above, they would be worth making. Unfortunately, this is impossible.

Additional Evaluations of the First Three Models

Several additional comments should be made in respect to the first three models.

A. The current Department of Health, Education, and Welfare

In one sense, the political costs and difficulties of maintaining the organizational status quo appear to be lower than trying to shift to any other model of organization. But this is not necessarily true. To the extent that there is unhappiness among the body politic over excessive concentration of power in Washington, and complexity that defies the best efforts of sincere Presidential appointees to unravel, the unhappiness is more likely to focus upon all or part of HEW than upon any other department. The sheer size of the organization and the number of programs that it administers -- programs that touch the lives of every citizen -- make it inevitable that an accumulation of problems and administrative bobbles will come to public attention. The more such programs are concentrated in a single department, the greater the certainty that it will become the principal target of public complaint and political criticism. The status quo is therefore not without considerable political costs.

B. The Department of Human Resources

Besides the handicap of gargantuan size, the Nixonian model of a Department of Human Resources (HEW plus the Employment and Training Administration of the Department of Labor, the Railroad Retirement Board, and the food stamp and nutrition programs of the Department of Agriculture) suffers from having no support from any politically powerful quarter. Congressional committees showed almost no interest in the proposal in the two years it was before them. If it were possible of achievement, the political costs to the President would be high.

C. A Department of Human Services

This is essentially the same proposal as that made by John Gardner when he was Secretary of HEW. It is essentially the present Department of HEW, but with several sub-Cabinet departments on the Defense Department model. Departments of Health, Education, and Social Services would be created, plus a reconstituted Social Security Board to administer all social insurance programs, including old age, survivors, and disability insurance, health insurance, and unemployment insurance. The sub-Cabinet Secretaries would hold the same rank as the Secretaries of the Army, Navy, and Air Force.

This proposal combines the numerous disadvantages of exceedingly large departments and the political liabilities of the two previous models, and adds one more. Sub-Cabinet departments within a super-department create rigidities and separatism that are difficult to surmount. Such a model was strongly opposed by the Heineman Task Force in 1967, of which Defense Secretary Robert McNamara was a prominent member. It would appear to elevate the status of the sub-Cabinet Officer, but in fact, it puts him in an anomalous and equivocal position in relation to the Cabinet Officer. It would not solve any of the leadership problems in the field of education.

Conclusion: These three models are excessively large and seriously deficient when measured against the criteria established. Within these settings, effective leadership in coping with major educational needs, problems, and issues is a virtual impossibility.

The Second Three Models

Since all of the models which would build upon the present Department of Health, Education, and Welfare, and enlarge it still further, fail badly to meet the criteria for good organization set forth in Section IV, the only alternative is to break up HEW. We must examine organizational models of more manageable size within which the educational programs would become the central, or at least a very prominent component. This could be done in various ways. Three models have been selected to illustrate the major options; other possible models would be variations upon these three. The first of the three models would be called simply the Department of Education; the second would be the Department of Education and Human Development; and the third would be the Department of Health, Education, and Science. Before discussing each model in some detail, it is useful to contrast them conceptually.

The Department of Education is based on the premise that education, broadly defined, is now a large enough concern of the federal government to warrant having a Cabinet Officer who would devote the major share of his or her time to the development and coordination of coherent policies affecting educational institutions and students at all levels. Unusual leadership qualities and new coordinative mechanisms and methods are believed to be needed to bring reasonable order and coherence out of the current hodge-podge of educational policies and practices. Such a Department of Education would be of simpler design and would consequently be less controversial than the other models.

Each of the other two models is based on the premise that more is needed than the creation of a Department of Education, that there are certain organizational linkages between education and other governmental functions that urgently need to be cultivated and improved,and that this can only be done by putting the related functions together with education in the same department. One of these models would attempt to strengthen greatly the linkage between education -- especially vocationally oriented education -- and employment, while the other would seek to strengthen the linkage between education and science at the higher education level. Each deserves a careful analysis.

D. A Department of Education

The simplest model -- the Department of Education -- would group together in a new Cabinet-level Department, the following organizations and programs: (1) the Education Division of HEW, with the Office of Education, the National Institute of Education, the National Center for Educational Statistics, and the Fund for the Improvement of Post-Secondary Education, (2) the "Headstart" program of the Office of Child Development, now in HEW, (3) budgetary and general oversight (but not administrative responsibility), over Howard University, Gallaudet College, and the American Printing House for the Blind, now vested in the Secretary of HEW, (4) the school lunch and related child nutrition programs of the Department of Agriculture, (5) general oversight, but not direct administration, of the National Endowment for the Arts and Humanities, (6) the Education Directorate of the National Science Foundation, and (7) that portion (the majority) of HEW's Office for Civil Rights concerned with educational institutions.

Such a Department would be of respectable size (its budget would be in the neighborhood of $10 billion in 1977, larger than that of four other departments) and significant breadth. It would be important to design such a department so that it does not become simply an upgraded Office of Education. It would also be important to see that its purpose clause defines education so as to include non-institutional learning and culture. A favorable climate should be established for the cultivation of programs and projects not operated by or through traditional educational systems, such as most of those conducted by the Council on the Arts, many of those conducted by the Council on the Humanities, and many of those included in the Headstart program. Inclusion of these organizations would help to broaden the meaning of education and make clear that it encompasses far more than that which goes on within the walls and through the institutions we label as schools and colleges. It would also reduce the number of independent agencies directly accountable to the President.

Such a Department would be based on a rationale with the following elements:

- It would elevate the importance which the United States Government places upon education by giving it the kind of status and media attention that is accorded only to Cabinet-level functions.
- It would assign responsibility to the Secretary of Education, and give him the time and staff to consider with care the appro-

priate federal role in respect to education in relation to states, school districts, and public and private institutions; and, in consultation with a National Advisory Commission on Education (discussed more fully in Section VIII), to rationalize and articulate that role.

- It would give the President and the executive branch a top-level adviser and spokesman to deal with the Congress and the public in respect to educational matters, and to represent the Nation internationally in such matters.
- It would make both the top educational position in the federal government and the key supporting positions more attractive to first-rate leaders.
- It would give the Secretary the responsibility, the prestige, and the leverage to develop, in consultation with a revamped Federal Interagency Committee on Education, an "Interagency Coordination Plan" (discussed more fully in Section IX), that would improve the policy coordination of the government.

If we look back over the criteria established in Section IV by which to judge alternative models, this model would rate high on most of them: accurate reflection of social values; favorable operating climate; opportunity for fair allocation of resources; organization by reasonably broad purpose; attractiveness to first-rate leaders; balance (avoidance of departments that are either overwhelmingly large or unusually small); opportunity for effective interagency and intergovernmental coordination; and reasonable political costs in relation to the potential benefits. On each of these, a Department of Education would rate significantly higher than would any of the three previous models. A much fuller explanation is given in Section IX of the manner in which the Secretary would perform his role of interagency and intergovernmental coordination without being vested with line authority over all the programs to be coordinated.

Of all the models, this one would be the smoothest sailing in the Congress. Its basic structure would engender little strong opposition from any source. There are many in and out of Congress who would actively support such a plan. Appendix A summarizes the attitudes of key groups that are involved in the field of education, and lists the bills that have been introduced in the 94th Congress to establish a new Department of Education. Most of the "opposition" would be from persons and groups who actually favor removing Education from its current context in HEW but who have different models of their own that they prefer. In two instances, however, there would be vocal opposition from groups that do not wish to have "their agencies" included in a Department of Education -- the supporters of the National Endowment for the Arts and Humanities, and some of the constituents of the "Headstart" program.

In both of these cases, there would be fear of loss of opportunity to make decisions on a relatively independent basis, as these organizations do now, without any offsetting gain. In the case of the two endowments there would be a feeling of demotion in status from that of independent agencies directly under the President to second echelon agencies. There would be apprehension about the effect of this on their budgets, and concern as to whether this would cut off future direct access to the President on budgetary appeals. In the case of the Council on the Arts, in particular, since most of its grants are organizations that lie outside of the traditional educational orbit, there would be a concern that the educators might wish to bring them into their orbit and limit their freedom of action and creativity. Some of these concerns might be partially allayed, but is most unlikely that all of them could be. The inclusion of the Council on the Arts would be the most difficult and politically costly element of the plan. It is a close question. It is not vital to the soundness of the basic model. On balance, however, it is recommended that the Council on the Arts (and its Endowment) be included in the Department of Education if one is created.

The case for the inclusion of the National Endowment for the Humanities is less marginal, since a much larger share of its grants is made to educational systems and institutions. But there is an even more important reason for including the National Endowment for the Humanities. This would emphasize the enlarged concern which the Secretary of Education will hereafter be expected to have with respect to higher education. Heretofore, there has been a wide impression that the Education Division of HEW was far more concerned with the interests of elementary and secondary education than with those of post-secondary education. Even though the impression has exaggerated the actual disparity, it is now important to emphasize that the Secretary of Education will be as much concerned hereafter with the institutional health of the Nation's colleges and universities, and their capacity to respond to the needs of the country, as with the systems of elementary and secondary education. Inclusion of the National Endowment for the Humanities in a Department of Education would do much to emphasize this important point. While there would be unhappiness in some quarters of the loss of independent agency status of the NEH, the political costs of including it in the Department of Education would be more than offset by the advantages.

In the case of both endowments, it would be important to retain their basic structure and substantial independence within the new Department of Education. This is more fully spelled out in Section IX.

In respect to the "Headstart" program, nearly half of the grants for the support of Headstart are to organizations of the "community action" type, unaffiliated with any school system. The supporters of these organizations will be apprehensive lest the inclusion of the Headstart program within a Department of Education would mean a movement toward the inclusion of the entire program within the traditional school systems. Such apprehensions are fanned by the efforts of the American Federation of Teachers to expand the total school system to include universal "early childhood education", implicitly displacing the community action type Headstart programs. But those very efforts emphasize the importance of grouping the Headstart program within a Department of Education where the relationships can be considered with care and coordinated. It would be important, as in the case of the two endowments just discussed, to assure that Headstart projects that are conducted outside of traditional educational institutions are given full opportunity for continued existence and development.

Transfer of the school lunch and related child nutrition programs of the Department of Agriculture into a new Department of Education would probably meet with little resistance either in the Department of Agriculture or elsewhere. For some time, the official position of the Department of Agriculture has been that the Department would like to be rid of both this program and the food stamp program.

The Education Directorate of the National Science Foundation is that part of the Foundation which is most directly related to the pedagogical functions of educational institutions, as distinguished from their research functions. It is concerned with fostering needed innovations in curriculum materials, techniques for the teaching of science, and the use of technological advances for instruction, as well as with the general improvement in the quality of scientific and technical manpower. It constitutes less than ten per cent of the total program of the National Science Foundation, most of which is, of course, devoted to research. It is now time to transfer this small component to the new Department of Education, if one is established. It is unlikely that this transfer would meet with strong opposition from any influential source. More will be said shortly about the issue of transferring the rest of the National Science Foundation into the same department with the principal education programs, as some people recommend.

The Office for Civil Rights

The final element of transfer into a new Department of Education would be the bulk of HEW's Office for Civil Rights. At least three-quarters of the work of that office is devoted to enforcing laws and Executive Orders as they apply to educational institutions. If a Department of Education were to be created, it would be logical to transfer this staff into it.

At some point in the evolution of federal policy in respect to the enforcement of equal employment opportunity statutes, consideration should be given to a more general reorganization of federal activities. Crurently, responsibility for eliminating employer discrimination based on race, color, religion, sex, or national origin is divided among the Equal Employment Opportunity Commission, the Employment Standards Administration of the Department of Labor, and the Office for Civil Rights of HEW. It is time to consider whether a single agency should not combine the functions of these three and develop both consistent policies and a balanced allocation of manpower in the enforcement programs among all types of employers, including the "education industry." Until such a study is undertaken, it is recommended that the education component of HEW's Office for Civil Rights be moved into a Department of Education if and when it is created.

Concluding Observations on a Department of Education

A Department of Education, designed as described, would meet virtually all the criteria for departmental organization far better than the existing structure or any "super-department" model. It would be both politically feasible and would have low political costs in relation to its advantages. Unless either of the remaining two models has superior advantages, it deserves the most careful consideration by the President and the Congress.

Let us now examine the remaining two models.

E. A Department of Education and Human Development

This model is based on the premise that education, work, and creative leisure are integral elements of human life and activity which should be much more closely related than they have been in the past, and that the federal government, through its organization structure, should reflect and emphasize this larger view. It would bring together not only the organizational units that would be grouped under a Department of Education, but would add the following:

From HEW:

The Office of Aging
The Children's Bureau

From the Department of Labor:

The Employment and Training Administration (except Unemployment Insurance)

From Independent Agency Status:

ACTION:
Peace Corps, VISTA, Foster Grandparents, etc.

These additions would emphasize the need for close linkages between the development of human capacities and the enlargement of opportunities for work and service. If and when a National Youth Service --

about which there is increasing discussion -- should be created, such a department would be an ideal location for it. Within such a department, the concept of experiential learning could be pursued with considerably more flexibility and resources than in either the current setting or a Department of Education. Secretaries of Labor and HEW and Commissioners of Education have been keenly conscious of the need to promote closer coordination between the world of education and the world of work, but none was able to make major progress toward this goal. It was toward this end that Willard Wirtz, after he left his post as Secretary of Labor, with the encouragement of John Dunlop and the aid of Paul Barton of the National Manpower Institute and a group of advisers from education, business, and labor, formulated the concept of "Community Education-Work Councils."[2] These councils, referred to in Section I, would bring together representatives of the schools, the employers, organized labor, the employment service, and related community resource personnel to build two-way bridges from school to work and back to school. Their report made no recommendation as to how to achieve a comparable cooperative linkage at the state and federal levels.

Some close observers and former officials of the department of Labor have come to the conclusion that the best way to accelerate the kind of cooperation described above is to create a Department of Education and Human Development along the lines described above, and assign to the Secretary, as a priority undertaking, the design and the construction of such bridges at all three levels -- federal, state, and local. Today, the responsibility for such leadership lies in a no-man's land between the Secretary of Labor and the Secretary of HEW. Even with a Department of Education, unless the President were to make an explicit assignment to one of the two Secretaries, responsibility would still be diffuse.

How Could It Be Made to Work?

Assuming the creation of such a Department of Education and Human Development, could it be made to accomplish its intended purposes, and if so how? It is a tough question.

If education is separated excessively and artificially from the world of work at the local level, for example, how could the organizational "cohabitation" of education, employment services, public service employment, and the like, within one department achieve coordination that would have a salutary effect upon coordination at the local level where services are delivered? The internal organization of a Department of Education and Human Development would certainly have a Bureau of Elementary and Secondary Education that was organizationally at a distance from the Employment Service, the Job Corps, the Public Employment Program, and the other parts of the Employment and Training Administration now in the Department of Labor. What, specifically, would a Secretary do to see that the personnel of these units worked together to set an example for, and influence the collaboration of their counterparts at the local level?

It would be necessary, first of all, to have an Assistant Secretary for Program Coordination and Community Relations (or some abbreviation thereof) who would seek to look at the problems described, not from the standpoint of the school systems, or from the standpoint of the Employment Service, or from any other institutional viewpoint, but first and foremost from the standpoint of students and parents. A school system with teachers of the highest professional competence, or an Employment Service with a highly skilled staff may be doing what they think is good for their "clients," but if the results do not meet their needs as they perceive them, it can hardly be called a success. It is essential, therefore, to encourage the development of the aforementioned "Community Work and Training Councils" and to encourage them to develop their own capacity for determining how well the transition from school to work is being done. It would be the role of the Assistant Secretary for Program Coordination and Community Relations to stimulate the development of such councils, and to see that they somehow have the minimum funds essential to perform their role. It would then be his (or her) responsibility to see that there is the internal communication and coordination within the new Department between the various people who have control of program funds that could encourage such a development at the state and local levels.

Second, it would be necessary for the President to issue an Executive Order designating the Secretary of Education and Human Development as the Chairman of an Interagency Committee on Transition from School to Work, which would include the Secretary of Commerce, the Secretary of Housing and Urban Development, the Chairman of the Equal Employment Opportunity Commission and such additional officials as the President may wish to name. The Assistant Secretary for Program Coordination and Community Relations would serve as the staff chief for such a Cabinet-level committee. The purpose of the committee would be both to coordinate the policies of on-going programs and periodically consider whether important improvements, deletions, or additions might need to be made in the structure of federal aid to local communities concerned with transition from school to work.

What Are the Disadvantages of a Department of Education and Human Development?

There are two basic disadvantages to such a department. One is that while it would improve coordination in one direction, it would worsen it in another. A second is that from a political and pragmatic standpoint, it would engender considerable opposition and be hard to achieve.

One of the most important linkages, in terms of policy development and coordination for the next decade, will be that between the various components of the income maintenance system of the federal government, especially between the Social Security, public assistance, unemployment insurance, food stamps, and housing allowance programs, and between these and employment. To be eligible for unemployment insurance, a person must have a record of eligibility stemming from "covered employment" and he or she must also register for and be available for work. There is thus a close linkage between eligibility for unemployment insurance and proper and periodic registration for work. In most states the unemployment insurance offices and the employment service offices are located cheek by jowl so as to make it easy for unemployed workers to go to both offices with minimum of inconvenience and to facilitate informational exchange between the UI staffs and the ES staffs. If the Employment Service were to be moved out of the Department of Labor and into a new Department of Education and Human Development, leaving an Unemployment Insurance Administration in the Department of Labor, it would make the coordination of UI and ES much more difficult than it now is. If UI were also to be moved out, it would mean that over 80 per cent of the Labor Department budget would be removed from it, and the political opposition on the part of organized labor and perhaps business would be considerably increased.

The problem of policy coordination between programs concerned with public assistance (or other income maintenance program with work requirements), publicly financed job programs, the Employment Service, training programs, unemployment insurance, food stamps, housing subsidies, day care subsidies, and still others, is an extremely knotty one. These programs are now split up among the Departments of HEW, Labor, Agriculture, and HUD. Creating a new Department of Education and Human Development, including employment programs but excluding income maintenance programs, would make policy coordination between employment and income maintenance even harder than it is now.

Except for this problem of coordination and one other serious problem -- political acceptability -- this model would rank high when measured against the organizational criteria listed in Section IV. It would, in fact, rank higher than a Department of Education in respect to the opportunity for cross fertilization between the program components of the Department. It falls short, however, on the grounds of political feasibility.

A Department of Education and Human Development that included large chunks of the current Department of Labor would be opposed by organized labor. How strongly it would be opposed would depend on a number of factors including how hard a selling job the President undertook with labor leaders and the public. It seems extremely dubious that Congress would approve the transfer of the Employment Service and the Public Service Employment programs from the Department of Labor into a Department of Education and Human Development over the strenuous objections of organized labor. It is conceivable that some elements of such a reorganization might be accomplished at some time in the future, if still thought desirable, after creation of a Department of Education in its basic form, as described above, and after such a Department had earned its spurs.

Nevertheless, the achievement of significant progress in building bridges from educational institutions to the world of work without a Department of Education and Human Development is an unusually important goal -- and by no means a hopeless goal -- toward which to strive. In Section IX, which discusses in some detail the knotty subject of interagency coordination, a specific recommendation is made for interagency cooperation in working toward this goal.

F. A Department of Health, Education, and Science

This model is significantly different from the two previous models. It is designed primarily to create a federal department which could provide a much clearer focal point of leadership within the government to develop a coherent set of policies relating to the Nations' colleges and universities. It is based on the following premises:

- That health, education, and science programs, except for health insurance, should be in a Cabinet Department where they are not totally overshadowed and dominated by income maintenance and other social insurance and welfare programs;
- That the income maintenance, social insurance, and welfare programs should be transferred to the Department of Labor where they can be associated with other income maintenance, social insurance, and employment programs;
- That the Nation's heavy investment in bio-medical research and in the support of education and training in the health professions creates a natural affinity between these programs and the main body of education programs on the one hand, and with the fundamental science programs of the National Science Foundations, on the other; these affinities make it natural and persuasive to group the health and education programs of HEW with the science programs of NSF and the humanities programs of the National Endowment for the Humanities.

This model would have a number of anomalous aspects. Although developed by a study group from the higher education community,[9] it seems dubious that it would have the beneficial effects intended, even for major universities that receive numerous research grants and contracts from the federal government. The research elements of universities have, in fact, benefitted from the widely dispersed financing of research through numerous federal agencies. Virtually all of the departments and agencies of the federal government have need for research related to their respective missions. In many cases, the missions are such as to demand a range from the most fundamental research to the most non-theoretical, empirical and developmental research. Those aspects of agency needs that can best be performed by research scientists who are associated with universities are normally performed in that manner through grants and contracts, with the federal government paying nearly all of the costs. The benefits to the universities of this widely dispersed network of negotiations and contracts has, generally speaking, outweighed the disadvantages of becoming somewhat overdependent on the federal government for research support.

Most competent observers agree that more fundamental science -- that for which it is hardest to gain public support because of its uncertain purpose and payoff -- has been supported under the existing dispersed system than would have been supported if an attempt had been made to funnel all funds for fundamental research through a single channel such as the National Science Foundation or a Department with central responsibility for basic science. And many distinguished scientists argue that fundamental science deserves the highest priority. An attempt, therefore, to consolidate in a single department, most federal support for fundamental research might well result in a lower level of support for it. This is obviously not the intent of the sponsors.

Even more anomalous is the idea of creating a Department of Health, Education, and Science in which the health component represented but a minor part of federal expenditures for health, with more than eighty per cent of such expenditures being in the Department of Labor. If Medicare and Medicaid were both moved to the Department of Labor, with their current huge expenditures, so too would the center of gravity in the development of federal policy in respect to health services and health insurance. There would then be a split between the important work of the Health Resources Administration of the new Department of HES and the health service programs of the Department of Labor. The Health Resources Administration of HEW, financed, in 1976, some $400 million worth of aid for education in the health professions, and supports health planning programs throughout the country. That there should be close coordination between these programs and whatever health service delivery programs the Nation has, or should decide to adopt, seems self-evident. A Department of Health, Education, and Science would put these functions in different departments. The word "Health" in the name of the Department of Health, Education, and Science would be seriously misleading.

One result of such an organizational pattern would be to convert the Department of Labor into the organizational monstrosity that HEW now is. Its budget would exceed the current HEW budget of $145 billion by $10 billion or more. The social insurance and welfare programs would smother the lesser programs of the Department of Labor and make especially difficult the kind of emphasis on job training and placement, experiential learning, and transition from school to work that is so obviously important.

Not least, the combination is not likely to enlist the support of the health professions, the organizations of educators, or the scientific community. Nor is it likely that organized labor would look favorably upon it. Without support from these groups, and with active opposition from many of them, it is improbable that a President would wish to expend valuable political capital in trying to gain its enactment, even if he thought that it had high intrinsic merit. The merit does not appear to be sufficient to warrant such expenditure.

Recommendation

On the basis of the foregoing analysis, it is concluded and recommended that a Department of Education, designed as described in Model D, above, be created.

VII. POSSIBLE ADDITIONS TO A DEPARTMENT OF EDUCATION

Other additions could be made to the basic model of a Department of Education, described in the previous section. A number of these have been considered and each has been rejected. When the inclusion of an agency in the Department of Education is a fairly close question, it is recommended that it not be moved, for both political and administrative reasons. The reasons for not including various agencies in a Department of Education are set forth below:

The National Science Foundation

By implication, some of the reasons for not including the National Science Foundation in a Department of Education were set forth in the previous section in the analysis of the proposed Department of Health, Education, and Science. Some further discussion of this subject is needed, however.

Because of the close association between the National Science Foundation and the universities, and the assumed desirability of coordinating the policies of NSF with those of the other components of a Department of Education, including the National Endowment for the Humanities, a number of people have recommended that the NSF should become a component of the new Department. Why should the NSF be excluded from a new Department of Education, they ask, if the NEH is included? Since science and education are wedded at the university level, why should they not be grouped together in the same department at the federal level?

Few federal agencies have funds to support studies in the humanities and such grants constitute a very small part of university budgets for such purposes. The National Endowment for the Humanities, even with its modest budget, has clearly the central federal role in this field. In contrast, the flow of federal funds for scientific studies to universities supports two-thirds of all university research. It is widely scattered among subject-matter fields; it is decentralized among numerous agencies;

and it ranges from the most empirical to the most theoretical. The relationships between the dozens of federal agencies and the scores of universities are like an open-market operation, with buyers and sellers seeking to match their needs and offerings. For reasons heretofore described, it would be both unwise and impractical to centralize this network of research relationships and negotiations between the federal government and universities in a single department. The question then is whether it would make sense to transfer approximately one-fifth of federal research grants and contracts with universities -- the programs of the National Science Foundation -- into a newly formed Department of Education, assuming all or most of the rest is left with the mission agencies.

The rationale for shifting the National Science Foundation into a new Department would be that most of the NSF grants and contracts are for fundamental research, or research that is not closely related to the research interests of the mission agencies. NSF grants are thus more directly related to one of the four major purposes of universities -- the general enlargement of the body of human knowledge -- than are the bulk of the grants of the mission agencies. The NSF is therefore closely related to one of the central purposes of a Department of Education -- the support and nurture of higher educational institutions and their students and scholars. In these terms, the argument for inclusion of the NSF in a Department of Education seems strong. Were it not for important practical difficulties, it might be persuasive.

If the NSF were to become part of the original package of agencies grouped together in a proposal for a Department of Education, it is highly probable that the scientists would either oppose it or demand that the department be named the Department of Education and Science. The status of science would be at stake. With an independent National Science Foundation, the scientists feel that they have high status within the government, one that would be jeopardized if the NSF were to be subsumed under a Department of Education without recognizing co-equal status with education. The result would probably be either the defeat of the proposal for a new Department, the creation of a Department of Education and Science, or simply the retention of the current NSF status. The first would be the end of the proposal; the second would be unfortunate; and the third would be a political loss to the President, at considerable cost, and would cause a substantial delay in the enactment of the ultimate legislation.

A Department of Education and Science would convey the impression that the Secretary of Education and Science either had primary responsibility for federal science policy or federal science programs, or both. Neither would be the case. Congress has recently recreated the Office of Science and Technology Policy in the Executive Office of the President, headed by the President's Science Adviser, together with related scientific advisory committees. The science policy framework is in place at the President's elbow. The creation of a Department of Education and Science would serve no purpose in policy terms. Nor would it serve any very useful purpose in administrative terms. The NSF is working well now in its present independent agency status. It demands almost none of the President's time -- none that could be saved by putting it within a Cabinet Department of Education. Since there are no significant policy or administrative advantages to such a transfer, and since there would be substantial political difficulties and costs in doing so, it is recommended that the current independent status of the NSF be retained.

Indian Schools

The Bureau of Indian Affairs operates a system of schools on Indian reservations with some 55,000 students and a budget of about $150 million. The BIA has had an undistinguished record of operating these schools just as it had with respect to the operation of Indian hospitals prior to their transfer to the Public Health Service (HEW) in 1955. The fact that the Indian hospitals were significantly upgraded by the Public Health Service has led some people to believe that transferring the Indian Schools to the Office of Education would have a similar salutory effect. Even a brief examination of the problem leads to an opposite conclusion.

The very special advantage of putting the Indian Health Program under the wing of the Public Health Service was that the PHS had a hospital system and a special personnel system for its doctors, nurses, and other professionals that enabled it to send its health personnel to Indian reservation hospitals as part of their development. The "doctor draft" was a godsend to the PHS for the successful operation of Indian hospitals during a period when the difficulties of recruiting competent doctors without it would have made quality medical care almost impossible. The professional backup needed for such a hospital system was, and is, substantial and could not feasibly be provided by the Bureau of Indian Affairs.

In contrast, the Office of Education has had no experience in operating schools, it has no special personnel system to enable it to recruit and send superior teachers to the Indian reservations, and it has no professional back-up system. Since the enactment of the Indian Self-Determination Act of 1974 -- a landmark law that transfers a great deal of decision making concerning Indian matters, including education, to the tribal governments as fast as they feel they are ready to assume it -- it is essential that the new evolving relationships between the tribal governments and the federal government be kept in the hands of the Bureau of Indian Affairs, and not confused by transferring responsibility for the operation of Indian schools to a new and inexperienced Department of Education.

From a pragmatic standpoint, it is also important to note that taking the Indian schools program out of the Bureau of Indian Affairs would be a very messy operation. Education functions are sufficiently integrated into the BIA so that the decision as to how many overhead and support personnel (and which ones) that now serve both the education program and the other BIA activities would be an extremely difficult undertaking. Costs would almost certainly rise.

The most basic argument against moving the Indian schools program to a new Department of Education is that as a matter of principle the Department of Education should not operate schools. If it operated them badly, its top officials would be severely criticized; if it operated them well, departmental officials would get the notion that they should tell educators all over the United States how to operate their schools. Both would be undesirable. It is a well-known principle of management that operating programs and their problems and deadlines tend to drive out long-range leadership and planning. That is precisely what would happen if a young Department of Education were encumbered with such programs as the Indian schools.

It is recommended that the Indian Schools program should stay in the Bureau of Indian Affairs.

The Armed Forces and Other Dependents Schools

Most of the arguments that apply to the Indian schools also apply to the Armed Forces dependents schools, and other dependents schools. The Department of Defense has a system in being that is operated overseas where the logistic support is an adjunct to its other logistic support of bases and personnel. A Department of Education would have no such logistic support, nor any other advantage that would make it wise to consider transferring the operation to a Department of Education. The costs would rise because of the need to duplicate such a support system. Again, the argument against the operation of any schools by a Department of Education should, alone, be decisive.

It is recommended that responsibility for dependents schools remain with the Department of Defense and such other agencies as operate them overseas.

The Graduate School of the Department of Agriculture

The Graduate School of the Department of Agriculture is a unique institution that is not what its name implies. It is not a graduate school in the generally understood sense; it has no prerequisite of an undergraduate degree; it grants no degrees; and although it was started to enable Department of Agriculture employees to take a variety of evening courses to improve and broaden their intellectual skills and perspectives, it has evolved into an institution that seeks to do that and more for some 15,000 students annually in the Washington area from many different departments and agencies. It also has entered into contracts with AID and other agencies for group training of foreign students and others whose needs fit with what the "Graduate School" has to offer. Virtually all the faculty are part time, many of them holding government positions and teaching evening courses.

Despite the seeming anomaly of the location of the Graduate School of the Department of Agriculture, it belongs where it is. Nothing would be gained by moving it, and much would be lost. Much of the faculty comes from the Department of Agriculture and a disproportionately large number of the courses are of special interest to Department of Agriculture employees.

Again, however, the most important reason for not transferring it is that the Department of Education should not become responsible for the direct operation of any educational institution.

It is recommended that the Graduate School remain in the Department of Agriculture.

The Veterans Educational Benefits Program

This program, begun as the most important component of the "G.I. Bill" after World War II, has been extended to the veterans of subsequent wars. In 1976, it is serving an estimated 2.8 million veterans at an estimated cost of $5.7 billion. This program is sometimes mentioned as a good candidate for transfer to a Department of Education. The undesirability and infeasibility of doing so, however, were brought out in Section V. The program is both an educational program and a veterans program, but both in theoretical and pragmatic terms, the veterans benefit purposes are dominant. The eligible recipients receive their benefits because they are veterans. The benefits are integrally related to their whole record in the military forces. The length of their eligibility for educational benefits depends, in part, on the length of their service in the armed forces. The Veterans Administration maintains a complete set of records on all veterans, on the basis of which it makes its determinations of eligibility. Transferring this program to a Department of Education would simply interpose the Department of Education between the veteran and the Veterans Administration, or would necessitate the creation of an entirely new set of veterans records in the Department of Education. Either would be expensive, time consuming, and unnecessary.

The Social Security Educational Benefits Program

The Social Security Act provides educational benefits for the young dependents of workers who die or become disabled. The considerations relating to the transfer of these functions is almost exactly parallel to those that concern the veterans educational benefit program. All eligibility determinations must be made from the central wage records of the Social Security Administration in Baltimore. The program should continue to operate in its current location.

The Basic Research Programs and the Fellowship and Traineeship Programs of the Department of Defense, the National Institutes of Health, the National Aeronautics and Space Administration, the Energy Research and Development Administration, and others.

Most of the mission-oriented agencies that conduct research conduct not only "applied research," but "basic research," two terms that make scientists uncomfortable because there is no possible way of defining these categories so that it is possible to say where one leaves off and the other begins. It is a spectrum, or perhaps an even better analogy would be a seamless web. Some of the research, obviously, is much more directed to the development and testing of new theory, while other research -- such as testing drug compounds to see if they have anti-carcinogenic effects -- is non-theoretical. It was suggested in the Daddario report of 1970, recommending the creation of a National Institute of Research and Advanced Study, that most of the fundamental or theoretical research be transferred out of the mission-oriented agencies and into the new agency. The same argument might be made for transferring most of the theoretical research out of the mission agencies to a Department of Education, if it were, in effect, a Department of Education and Science, with the National Science Foundation as the main research arm. This report has recommended against that, but a brief additional observation should be made here in the event that it should be decided to move the NSF into a new Department.

Not only are research projects difficult to classify in terms of being "basic" or "applied," but the system of determining how they shall be financed so intermingles the theoretical and the applied that it would be virtually impossible to transfer "basic" or "theoretical" science projects from NIH, for example, to either the National Science Foundation or a new Department of Education. It would immensely complicate a system that is now working well, and nothing would be gained thereby. Much might be lost. Fundamental science could become less well financed, and probably would.

Fellowships and traineeships that are funded by and admin'stered by the mission agencies are often mentioned as candidates for includion in a Department of Education. Here again, however, it is the mission agencies that have the primary concern for producing the professionally trained people for particular purposes. It is they who defend the budget requests in terms of the numbers of such personnel that are needed to achieve the major purposes for which their programs exist. They are responsible for the success of their missions and nothing is more crucial to such success than the quality of the personnel performing them. Logistically speakirg, mission-related training is the life-line of their programs. To transfer their lifelines to a Department of Education would seem to them to jeopardize their control over their programs. With justification, they would feel that it would achieve nothing and could do substantial damage. It is recommended, therefore, that mission-related research, fellowship, and traineeship programs be kept with the mission agencies.

VIII. A FEDERAL ADVISORY COMMISSION ON EDUCATION

The concept of a Federal Advisory Commission on Education (to be clearly distinguished from a Federal "Board of Education") has had support, in one form or another, for many years. Reference was made in Section III to the recommendation of President Johnson's Task Force on Education, chaired by John Gardner, for a President's Council of Educational Advisers to carry on a continuing review of the problems of American education and to report on those problems to the President, to the Congress, and to the American people. It was also to be a device for identifying national needs and stating national goals. Although this report was not made public at the time, the basic idea, in modified form, has been supported by various Senators and Congressmen, as well as by various members of the education profession. The proposal for a "National Advisory Commission on Education" was advanced by Senator Ribicoff in his 1973 bill to establish a Cabinet Department of Education (S. 1059, 93rd Congress) and has been repeated in other bills since, such as Senator Humphrey's bill of 1975 (S. 754, 94th Congress). The section of Senator Ribicoff's bill concerning the Advisory Commission is as follows:

National Advisory Commission on Education

Sec. 10 (a) There is hereby established a National Advisory Commission on Education composed of fifteen members appointed by the President, by and with the advice and consent of the Senate from among individuals --

(1) who are familiar with the educational needs and goals of the United States,

(2) who have competence in assessing the progress of educational agencies, institutions, and organizations in meeting those needs and achieving those goals,

(3) who are familiar with the administration of State and local educational agencies and of institutions of higher education, and

(4) who are representative of the mass media, industry, and the general public.

Members shall be appointed for terms of three years, except that (1) in the case of initial members, as designated by the President, five members shall be appointed for terms of one year, five members shall be appointed for terms of two years, and five members shall be appointed for terms of three years, and (2) any member appointed to fill a vacancy shall serve the remainder of the term for which his predecessor was appointed.

(b) The National Commission shall --

(1) review the administration of, general regulations for, and operation of Federal programs;

(2) advise the Secretary and other Federal officials with respect to the educational needs and goals of the Nation and assess the progress of the renewal of appropriate agencies, institutions, and organizations of the Nation in order to meet those needs and achieve those goals;

(3) conduct objective evaluations of specific education programs and projects in order to ascertain the effectiveness of such programs and projects in achieving the purpose for which they are intended;

(4) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of Federal education programs;

5) consult with Federal, State, and local and other educating agencies, institutions, and organizations with respect to assessing education in the United States and the improvement of the quality of education, including --

(A) areas of unmet needs in education and national goals and the means by which those areas of need may be met and those national goals may be achieved;

(B) determinations of priorities among unmet needs and national goals; and

(C) specific means of improving the quality and effectiveness of teaching, curriculums, and educational media and of raising standards of scholarship and levels of achievement;

(6) conduct national conferences on the assessment, improvement, and renewal of education, in which national and regional education associations and organizations, State and local education officers and administrators, and other education-related organizations, institutions, and persons (including parents of children participating in Federal education programs) may exchange and disseminate information on the improvement of education;

(7) conduct, and report on, comparative studies and evaluations of education systems in foreign countries; and

(8) advise and assist in the coordination of all Federal educational advisory committees, councils or commissions.

(c) The National Commission shall make an annual report, and such other reports as it deems appropriate, to the President and to the Congress, concerning its findings, recommendations, and activities.

(d) In carrying out its responsibilities under this section, the National Commission shall take, together with the Secretary, whatever action is necessary to carry out section 448 of the General Education Provisions Act, to devise a manageable and effective advisory structure for the Department. The National Commission shall advise the Secretary on the number of advisory bodies that are necessary and the manner in which such bodies relate to one another. The National Commission shall consult with the National Advisory Council on the Education of Disadvantaged Children, the National Advisory Council on Supplementary Centers and Services, the National Advisory Council on Education Professions Development, the National Advisory Council on Educational Research and Development and such other advisory councils and committees as may be appropriate to carry out its functions under this subsection. All Federal agencies are directed to cooperate with the National Commission in carrying out its functions under this subsection.

(e) The National Commission is authorized to engage such technical assistance as may be required to carry out its functions and the Secretary shall, in addition, make available to the National Commission such secretarial, clerical, and other assistance and such pertinent data prepared by the Department as the National Commission may require to carry out its functions.

(f) Members of the National Commission who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the National Commission or while otherwise engaged in the business of the National Commission, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS-18 under section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the National Commission away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(g) The President shall appoint the National Commission not later than thirty days after the date of enactment of this Act.

Arguments in Favor of a Commission

The arguments in favor of appointing such a Commission seem strong, and would be even stronger if the independence of the Commission were made more explicit and emphasized.

The unusual set of relationships between the federal government and the education systems of the Nation, under which the federal government has certain legitimate objectives it wishes to achieve through financial grants (with strings attached), while the education systems have equally important traditions of individuality, diversity, and independence, that must be protected, calls for the most thoughtful and sensitive balancing of relationships between the federal government and the educational institutions. The Constitution established the free press as the principal counterfoil to the abuse of power by government because the free press was, at the time, the only institution in existence which could so serve. But the education systems of the country, especially the higher educational institutions, have evolved into an equally important bastion of free thought and speech. It would be extremely unfortunate for American democracy if the relationships between the federal government and the universities were to develop in such a way that the grant monies from the government served in any way to diminish the sense of integrity and independence of either faculty members or institutional spokesmen, inhibiting them from strong criticism of government actions and policies whenever they felt such criticism was called for. Yet the possibilities that this may happen -- or may, in fact, have begun to happen already -- are strong enough to warrant the most thoughtful attention to the problem.

Another undesirable condition is evident from a recent statement by Harold Enarson, President of Ohio State University, who said, in addressing the Ohio congressional delegation, "A fundamental change is taking place in the relationship between Washington and the nation's colleges and universities, a change which I find deeply disturbing. Once we were partners working together to solve national problems. Now we view each other with suspicion, almost as adversaries. We overregulate on one hand and overreact on the other. We have placed our partnership in peril. And if it is to be restored, it urgently needs our attention and understanding." William McElroy, Chancellor of the University of California at San Diego, asserts that he has heard these views echoed by his colleagues across the country.[11] Many such officials are less bold in expressing their views than these outspoken university presidents.

Thus, we have several sets of tensions that require unusual statesmanship for their containment. One set of tensions derives from the feeling of recipient educational institutions and systems that the federal government is excessively zealous and in some respects unfair and heavy handed in its methods of enforcement of various laws that seek legitimate goals such as equal educational opportunity and equal employment opportunity. Another set of tensions derives from the feeling of educators that in seeking to have some form of accountability for the expenditure of federal aid moneys, Congress and the agencies are now intervening in what should be educational decisions and policies. Still a third set of tensions comes from what are regarded as uncoordinated and unfair administrative practices and decisions that unnecessarily increase the costs and administrative headaches of educational institutions. On the one hand, educational institutions need, and most cannot live without, federal aid; on the other, their officials and faculty become increasingly restive, even deeply disturbed, over some of the terms and conditions under which they are forced to submit to what many feel to be the indignity of their dependency. This set of tensions is so basic that it cannot be entirely resolved, but it can be ameliorated through a combination of sensitive leadership by a Cabinet Officer who has an assignment from the President to address himself to this set of problems, and a Federal Advisory Commission on Education which is asked both to work with the Secretary and to monitor, independently, the condition of relationships between the federal government and the educational institutions.

The need for such monitoring applies as much to relationships with state elementary and secondary educational systems as to those with the Nation's colleges and universities. A few chief state school officers are willing to speak out about their concerns, but many are reluctant to do so. Originally, the Education Commission of the States was expected to become a means of monitoring not only the results of teaching performance but of federal-state-local relations in respect to elementary and secondary education. Unfortunately, it is now largely supported from federal grants and is no longer able to be a strong and independent critic of federal actions.

One of the first and foremost responsibilities, therefore, of a Federal Advisory Commission on Education would be to make periodic studies and reports (probably at three or four year intervals), on the institutional health of the education systems of the country, including their capacity to serve as critics, with the same kind of freedom of expression as is felt by free press editorial writers or investigative reporters. The periodic studies of institutional health should cover a wide range of elements, from financial problems to the effects of affirmative action programs, from the aging of research faculty to the impact of over-regulation by the federal government of various programs. Such a periodic report should be as broad as the Advisory Commission may decide to make it.

To be free, itself, to be critical of government policies, and to be a watchdog to protect the freedom of the educational institutions, the Federal Advisory Commission on Education should have a membership that is appointed for not less than five-year staggered terms. Three years is too short. The membership needs to develop an esprit-de-corps and a set of traditions of independence that would be undermined by three-year terms. With three-year terms a President would be able to appoint two-thirds of the membership of the Commission and achieve effective control of it in two years, or, in some cases, in a little more than one year, if he so chose. Five-year terms would make this more difficult.

Such a Commission should have an independent staff and not even be dependent on the Department of Education for the provision of secretarial personnel. Space and general administrative services, including audit, could and should be provided by the Department.

The other roles of the Commission should be very much as proposed by Senator Ribicoff in the excerpt from the bill, quoted above. The stress laid upon the need to monitor the relationships between the federal government and the education systems of the Nation should not be taken to imply that these other roles deserve less attention. A sound set of relationships is a means to an end, not an end in itself. The end is the provision of steadily improving educational services to the people of the Nation. If the needs are not being met because of too great rigidity in the systems when flexibility is urgently required, if long-range vision is lacking and short-range expediency is causing deterioration of the services, the Federal Advisory Commission on Education should bring this strongly to the attention of those who should rectify the shortcomings, regardless of where the fault lies. This means that they should address their evaluations, suggestions and criticisms to state, local and private systems and institutions as well as the federal government.

The Commission should be able to provide its advice, informally or formally, upon request, or upon its own initiative, to the Secretary of Education, the President, the Congress, the executive and legislative officials of the states, the private educational institutions, and the general public. It should not become involved in giving counsel in respect to annual budget determinations or other operating decisions of the Department of Education. The influence of its advice will depend on its inherent wisdom and the degree of prestige the Commission may develop as a result of effective work. Nothing it would do or say would have binding effect.

A Federal Advisory Commission on Education, connected to a Cabinet Secretary of Education, but not under his control, and with the right to report directly to the President as well as to the Secretary of Education, is recommended in preference to the proposal for a Council of Educational Advisers in the Executive Office of the President, serving the President directly in the manner of the Council of Economic Advisers. The latter, recommended in 1964 by the Gardner Task Force, was proposed at a time when there was no expectation that a Cabinet Department of Education might be created, and in the absence of an official of Cabinet rank who could and should be giving his full time to leadership and coordination of federal programs concerned with education. The new Federal Advisory Commission on Education is proposed as an important and substantially independent adjunct -- but presumably a cooperative adjunct -- to a Department of Education. It is to be hoped that the Secretary of Education and the Advisory Commission would work effectively together, neither controlling the other, but both keeping their eyes on the main purpose of improving educational services to the American people. This arrangement seems far more likely to be acceptable to the President and effective in operation than a Council of Educational Advisers that would be on the periphery of the Executive Office of the President. There might be no end to such Councils, once the door was opened to such a council for education. It would almost certainly be frowned upon by the Office of Management and Budget, and would be most unlikely of enactment.

In sum, a Federal Advisory Commission on Education, with semi-independent status, connected to the Department of Education, is recommended. Members should be appointed by the President, subject to Senate confirmation, with five-year overlapping terms.

IX. A NEW CONCEPT IN DEPARTMENTAL LEADERSHIP AND PROGRAM COORDINATION

None of the classical theories of public administration, or the traditional principles of business organization is adequate to guide the Secretary of a new Department of Education in his leadership role. Classical organizational doctrine has concentrated on how best to divide work, delegate responsibility, and hold subordinates accountable. One of the adages of management is that authority must equal responsibility, an adage which, as we shall see momentarily, is simply not applicable to an organization such as a Department of Education. The emphasis on dividing work optimally among line-organizations has diverted attention from the coordination of work that cannot be cleanly divided. The most difficult challenge of public administration is to "make a mesh of things," to use the unforgettable phrase of the late Paul Appleby. Far too little attention has been given to this challenge. A Secretary of Education must try to make a mesh of things throughout the numerous programs of the federal government that impinge on the educational systems of the country without having the management authority to do so. Such a role requires a new concept in public administration.

A Secretary of Education needs also to help the educational systems of the country improve their capacity to render first-rate educational services without attempting to acquire and wield authority commensurate with his or her responsibility. This requires what Elliot Richardson, in his famous "Mega Proposal," called "capacity building."[12] It requires recognition that the states, communities, and private institutions have the central responsibility for the delivery of educational services and the role of the federal government is not that of taking away a large chunk of that responsibility but that of helping the institutions to discharge that responsibility more adequately, more competently, and more equitably. In some cases, the Secretary of

Education may have to go beyond gentle persuasion in order to bring about minimum standards of equity, but the use of a heavy hand can be counterproductive. No position in the executive branch of the United States Government requires a profounder understanding of American social structure and a more sensitive use of power than that of the top education official. New concepts of leadership are needed. These extraordinary demands on the talents of a Secretary require a new way of discharging a very large responsibility without corresponding authority.

The Federal Interagency Committee on Education: Its Current Limitations

Since it seems virtually certain that multiple agencies of the government will continue indefinitely to conduct programs that channel funds to the educational systems of the country, particularly the higher educational institutions, the need for coordinating and simplifying the policies and procedures of these agencies so that they mesh will continue as far as the eye can see. Some progress has been made by the Federal Interagency Committee on Education, established by Executive Order in 1965. It is composed of the Assistant Secretary of HEW for Education, as the chairman, and representatives of the major departments and agencies that have programs involving substantial grants, loans, and contracts to or with educational institutions, school systems, and students. "FICE" has been plagued with the same handicaps that beset most interagency committees. The main trouble has been that the chairmen of such committees have little power to coordinate and the members have little wish to be coordinated. Gradually, top policy officials on such committees stop coming to meetings and send second or third echelon subordinates. This is what happened to the Federal Interagency Committee on Education, and to scores of other such committees. The perennial question remains: Can federal interagency committees be made to work? Can FICE be made to work? The answer is probably yes if it becomes an integral part of a new mechanism of public administration--the "Interagency Coordination Plan"--described below.

The Interagency Coordination Plan: A Proposed New Instrument of Public Administration

Interagency coordination requires leadership, cooperation, and, in the absence of voluntary agreement, authority. The authority need not be a total delegation from the President to make final decisions, but it must be sufficient to enable the designated coordinator to command the respect and enlist the active cooperation of those being coordinated even though he has no line authority over them. This is the basic concept of the Interagency Coordination Plan, proposed below. It is described in some detail because it is important that it be clearly distinguished from all other interagency coordinating mechanisms which have heretofore been tried.

First, the chairman of the interagency coordinating committee should be, next to the President, the principal spokesman for the executive branch in respect to matters being coordinated, normally a Cabinet Officer. The chairman's success and reputation should in significant measure be gauged by his performance as an interagency coordinator. If he has so many other duties that he considers to be of higher priority that he is precluded from taking personal leadership of the coordinating function, it calls into question whether his portfolio of responsibilities is too large and should be reduced in scope.

Second, the interagency coordinator, acting as chairman of the interagency committee established to consider the relevant issues, must be given the strong personal backing of the President. While this may seem self-evident, it has been an ingredient that has often been lacking in the past. The reasons vary, from a low priority accorded the function by the President and his White House and Executive Office staff, to a feeling by the latter that they, better than a Cabinet Officer, can perceive more clearly the President's interests and perform whatever coordinating role needs to be performed. A grant of power to a Cabinet Officer affecting other departments and agencies implicitly diminishes the power of both other departmental Secretaries and the President's staff. Only those Presidential staff members who understand that effective governmental performance is more important than their personal power are likely to welcome the grant of power that is involved in the instrument of the Interagency Coordination Plan. The President should recognize and take account of this fact in making his key organizational decisions.

The third requirement is an explicit directive from the President to the interagency coordinator to prepare an Interagency Coordination Plan that would accomplish specifically enumerated purposes. The plan would be developed in the following manner (here we shift from the generic to the particular--to the development of an "Interagency Coordination Plan on Education"):

1: The Secretary of Education, flanked by members of the Interagency Committee on Education, would hold a series of hearings on the subjects under review. Let us assume that Interagency Coordination Plan No. 1 would deal with policies, regulations, and procedures affecting student aid programs in the field of post-secondary education. The hearings would enable all types of institutional representatives and individuals to make suggestions for improvement in the coordination and rationalization of federal policies and programs, wherever located within the federal structure. Representatives of all the affected agencies would, of course, be present. Variations in stipends, methods of payment, requirements for record-keeping, and other factors would come under critical review. Unnecessary administrative burdens, if they exist, would be discussed. All matters relevant to the specified topic under scrutiny would be aired. Members of the semi-independent Federal Advisory Commission on Education and its staff director would be invited to sit in on the hearings and give such testimony as seemed to them appropriate.

2. The Federal Interagency Committee on Education would then create one or more small task forces to probe the options that might be open to resolve identified difficulties or achieve desired purposes, developing the pros and cons of each. When the task forces reported back, the Committee would seek to agree on the most feasible courses of action. Those items on which agreement could be reached, and which could be carried out by the respective agencies without

change in law, would then be put into effect as promptly as possible. A list of such improvements would become Part I of the Interagency Coordination Plan.

3. The Secretary of Education would then decide which changes he thought should be carried out within existing legal authority over the objections of the affected agencies. This is a crucial aspect of the plan. The Secretary should seek, in performing this role, to represent a combination of the public interest, broadly conceived, and the President's interests, both taking precedence over the narrow interests of particular clientele groups whenever there is a conflict. And the President should be prepared, when the Secretary does perform his role in this manner, to support him. The Secretary would prepare "Part II" of the Interagency Coordination Plan, containing a set of Presidential directives, or draft Executive Orders, designed to carry out the chairman's (Secretary's) recommendations. These would be reviewed by the Office of Managment and Budget, which would also receive appeals from the affected agencies, and the entire package would then be sent to the President for decision. In the absence of persuasive reason to the contrary, a general presumption in favor of the Secretary's recommendations would exist. This would give a large element of authority to the Secretary of Education while serving in his role as chairman of the Federal Interagency Committee on Education. It would be sufficient authority to make the Interagency Coordination Plan work, especially when reinforced with Part III of the Plan.

4. The Secretary would then seek to gain consensus on what changes in law would be desirable in order to achieve important purposes within the scope of the Interagency Coordination Plan that could not be achieved otherwise. On the basis of the consensus, he would prepare a legislative recommendation that the President would be asked to transmit to Congress with his endorsement. If the Secretary concluded that some items should be included in the Presidential draft of amendatory legislation despite objections

from the affected agencies, he would prepare a statement of his reasons, together with a draft of legislation to carry out his recommendations. The set of legislative recommendations would be handled in the same manner as the drafts of Presidential directives and Executive Orders. It would be transmitted to the Office of Management and Budget for review and receipt of appeals from affected agencies. When in final form and approved by the President, this portion of the plan--Part III--would then be transmitted to Congress with a Presidential message recommending its enactment. The Secretary of Education would then become the administration's principal spokesman in interpreting and defending the proposal before Congress.

5. Upon completion of Parts I, II, and III of the Interagency Coordination Plan, it would be published. Parts I and II would record actions taken to improve the coordination of policies, regulations, and procedures. Part III would record the Presidential recommendations to Congress to complete the improvement.

This procedure would give the Secretary of Education, subject to appropriate safeguards, a new type of power never tried before in the federal government: the power to develop a series of Interagency Coordination Plans. He would select first one and then another problem area and seek to achieve coherence and rationality among the policies, regulations, and procedures of the multiple agencies involved. He would have far more power to effect major improvements in the coordination of education programs than any government official below the President has heretofore had. The Interagency Coordination Plan would be a visible instrument, dramatizing the assignment of responsibility from the President to the Secretary of Education, and the Secretary's accountability for discharging it.

If the Secretary were to perform the role described above in a thorough, balanced, and statesmanlike manner, he would be likely to earn the President's backing in effectuating the Interagency Coordination

Plan. Once earned, that backing would make clear to all affected departments that the Secretary of Education, when acting in this role, was not merely a colleague with a chairman's title, but the President's designee to achieve a specified purpose. The implied power and support of the President would give the Secretary all the leverage he would need to enlist far greater interagency cooperation than has heretofore been achieved.

Congressional Coordination

The dispersal of responsibility and authority among Congressional committees and sub-committees is probably as difficult a challenge as the dispersal of education functions among federal departments and agencies. Many of the uncoordinated programs, policies and procedures that the executive branch tries to administer stem from failure of communication and coordination among Congressional committees. A Congressional aide developed a chart[8] showing the jurisdiction of the various committees of the House and Senate in respect to 439 programs affecting post-secondary legislation. It was prepared by Robert Andringa, minority staff director for the Committee on Education and Labor of the House of Representatives. It shows clearly what a complex set of relationships exists. One could wish that the Congress would find better ways to organize itself, but it is beyond the purview of this study to make suggestions for such improvement. It is important, however, to point out the potential for improvement of Congressional coordination that is inherent in the concept of the "Interagency Coordination Plan."

Assuming the President decides to adopt the approach of requesting the Secretary of Education to prepare an "Interagency Coordination Plan" in the manner described above, one of the results will almost certainly be that various pieces of proposed legislation will be presented by the President to Congress, proposing amendments to a number of different laws affecting the terms and conditions of grants, contracts, fellowships, loans, and other financial payments to educational institutions and students. The laws to be amended would fall under the jurisdiction of a number of different committees and sub-committees. If the amendatory legislation is prepared as one bill, amending several different laws, then the bill must be referred to one committee (in each house), multiple committees simultaneously, or multiple committees seriatim. It will be a challenge to the Congress to develop an effective way of coping with such a bill so that the several committees having original jurisdiction over the various laws to be amended will feel that they have "a piece of action" while avoiding narrow and jurisdictionally minded roadblocks. The exercise of Presidential initiative for such a coordinated approach may have substantial impact on the Congress if its members see the merit in having before them a proposal that has been developed through a thoughtful, fair, open process, directed explicitly toward ironing out conflicts in current policies, regulations, procedures, and legislative requirements. It will be a test of Congressional capacity for "coordinated response."

Federal, State, Local, and Institutional Relationships

The process described above has a useful counterpart in the second important role of the Secretary of Education: developing, in conjunction with the Federal Advisory Commission on Education, a philosophy and a set of principles and guidelines that should inform the various relationships between the federal government and the education systems of the country. The Secretary and the Federal Advisory Commission would meet together, on whatever schedule they may determine, to try to come to an understanding of each other's legitimate interests and the best way to achieve those interests. Since the discussions would affect other agencies outside of the Department of Education, the members of the Federal Interagency Committee on Education should be invited to attend and participate.

The nature of the discussions could be as wide-ranging as the membership considered necessary or desirable. It could involve problems that have already arisen or those that can be foreseen in the offing. It could involve the relationship of education and other fields that it touches. When such topics are on the agenda, it seems apparent that representatives of the related field or fields should be present.

It is a matter of high importance that the Secretary of Education should consider himself as part of a thoughtfully developed and developing process for preserving the traditional diversity, freedom, and creativity of existing educational systems and institutions while bringing to bear upon them an understanding of the legitimate role of the federal government in enlarging, and equalizing the educational opportunities for the disadvantaged and handicapped, and in achieving several lesser objectives. The process, itself, is very different from that involved in administering departments like Defense, Treasury, Agriculture, or Interior. Leadership, coordination, and "capacity building" are the touchstones to the style that a Secretary of Education must exercise.

The types of leadership, coordination, and capacity building that are described above could be far more effectively carried out if they were done by a Cabinet officer than by a lesser official within a super-department. No super-department Secretary could possibly take the time to perform the kind of leadership role in respect to education that is described above, and no official at subordinate levels would have anything like the potential for achieving the kind of national leadership and interagency coordination that is needed. This argues strongly for the creation of a Cabinet-level Department of Education.

Interagency Committee on Transition from School to Work

The extraordinarily complex problem of transition from school to work has no focal point of leadership within the federal government. This lack is a major shortcoming of the current structure. This deficiency should be dealt with promptly by the creation of a Federal Interagency Committee on Transition from School to Work, with the Secretary of Labor as chairman, and including the Secretary of Commerce, the Secretary of HUD, the Secretary of HEW (or Education when and if a new Department is created), and such other officials as may be appropriate.

The Secretary of Labor should be asked by the President to develop an "Interagency Coordination Plan," which would, among other things, facilitate the most effective federal relationships and actions to encourage the spread of "Community Work and Training Councils." The Secretary of Labor would be the natural chairman of such an Interagency Committee by virtue of his having the Employment Service, the Job Corps, the Public Service Employment programs, and all the rest of the Employment and Training Administration under his direction, not to mention the Bureau of Labor Statistics that produces good materials for counselors describing the probable nature of labor requirements in future years (materials that should be far more extensively used by the public schools than they are), and the apprentice training program. The Department of Labor has the capacity to reach down into every community through its network of State Employment Services to extend and encourage the kind of cooperation that will be required for the successful operation of Community Work and Training Councils.

It is recommended, therefore, that the Secretary of Labor should be designated by the President as chairman of an "Interagency Committee on Transition from School to Work."

Internal Organization of a Department of Education

The internal organization of the Department of Education should be supportive of the Secretary's multiple roles as a coordinator and leader of intergovernmental relations in respect to educational matters. Conversely, the leadership style of the Secretary, and the internal organization that goes with it, should be such as to respect the tradition of independence and freedom of the Nation's educational institutions and of the federal government's system of support for the arts and humanities.

To undergird the Secretary's leadership and coordination role, there should be provision for an adequate new staff of widely varying competencies. Two Assistant Secretaries--one for Evaluation and Planning, and one for Intergovernmental Relations--would be needed to aid the

Secretary in this role. Two other Assistant Secretaries--for Legislation and Administration--would be needed to complete the necessary staff support for the Secretary.

The National Endowments for the Arts and Humanities should have their basic structure retained, maintaining their essential autonomy, but bringing them into a milieu where cross fertilization with other components of the Department would be encouraged.

The remaining programs and functions of the Department should be organized under several program administrators, probably with the title of Assistant Secretary. Two natural groupings are Elementary and Secondary Education, and Higher Education (or Post-Secondary Education). Each would warrant an Assistant Secretary. The organization of the remaining components of the new Department should be determined on the basis of more detailed study, if and when the decision is made to seek a new Department. Provision should be made for such additional program Assistant Secretaries (or administrators with other titles) as are found to be necessary.

It is recommended that a single Under Secretary (or Deputy Secretary) be authorized, who would act as the alter ego to the Secretary and as the principal officer in charge of internal coordination and management. The Assistant Secretary of Administration would work closely with the Under Secretary. A single Assistant Secretary for Administration, combining responsibility for both financial management and general administration, is recommended. This was the pattern recommended by the first Hoover Commission, and was the pattern that was followed in HEW until the financial management responsibility became so huge as to cause the two closely related functions to be split up. It is also recommended that the Assistant Secretary for Administration be filled by a top-level career person who possesses the extensive background knowledge of governmental and specific program operations that are needed to assist short-term Presidential appointees. This also was a Hoover Commission recommendation, one that has been followed, with limited exceptions, by HEW since it was created. It has not, however, been followed by other departments.

The Assistant Secretary for Evaluation and Planning should perform a role somewhat analagous to that performed by a counterpart Assistant Secretary in HEW. The office should have a first-rate, but not large staff of policy analysts of diverse backgrounds who could work together on basic issues and long-range projects that will keep the Secretary in the forefront of thinking in respect to not only educational issues, as such, but to the larger issues of which education is but one component part. The Assistant Secretary for Legislation would clearly be needed because of the large number of laws and bills and subcommittees that are in a continuous state of flux.

To the fullest extent compatible with political realities, the Secretary of the Department of Education should be given the flexibility to organize and reorganize the internal management of the Department to meet the needs of changing circumstances.

Need for a Special Personnel System

The success of a number of federal agencies has depended in substantial measure upon special Congressional authorization to recruit top-flight personnel without regard to Civil Service procedures and requirements. Agencies such as the NIH and NASA were given special authority that enabled them to operate what amounted to an independent personnel system for a limited number of "supergrade positions" for highly qualified people. Such people often must be persuaded to leave attractive positions and join the federal agency. They can only be recruited when the agency has full authority over the terms and conditions of the employment and the selection of persons to fill the positions. Such authority would be especially needed if a new Department of Education were to be created.

In addition, the Secretary of a new Department of Education would need authority to reassign current occupants of "supergrade" positions when he found that their performance left a good deal to be desired. A new Departmental Secretary should be permitted to make such reassignments without their being regarded as "adverse actions". Persons so reassigned should be permitted to retain their grades and salary status for a period of two years even when they are reassigned to positions which are classified at lower levels. This is similar to the power which the Secretary of State has to reassign Foreign Service officers, and the Secretary of Defense has to reassign military officers for the good of the service. If first-rate management is to be achieved within a Department of Education, such authority over supergrade positions must be vested in the Secretary.

It is recommended that the Secretary of Education be granted special personnel authority to select, assign, and reassign persons who occupy "supergrade" positions in the Department of Education.

X. THE ROLE OF THE WHITE HOUSE, THE OFFICE OF MANAGEMENT AND BUDGET, AND THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Whether a Department of Education is created or not, and no matter how competent a Secretary of Education may be appointed, it is inevitable that significant roles will be played by the White House staff, the OMB, and the OST. Their respective roles deserve comment.

It is important, to begin with, to mention the unique set of circumstances that made the White House something of a bee-hive of activity concerned with education legislation during the years of Lyndon Johnson, and, in lesser degree, during the Kennedy years. President Kennedy was committed to the enactment of federal aid for education at a time when the baby-boom pressures were very intense on elementary and secondary schools, and the colleges were gearing up for the tidal wave of students. There remained, however, considerable resistance in the Congress to any program that did not give simultaneous relief to parochial schools. For nearly three years, Kennedy and his White House staff, working closely with the Assistant Secretary for Legislation of HEW and the Commissioner of Education, sought unsuccessfully to break through the barricade against general aid. After Kennedy's assassination, President Johnson made it a central concern of his administration to gain enactment of major authorizations for federal aid for education. It was as if he knew that this was a federal role whose time had come and that he was destined to lead his troops in a successful battle. With the election of 1964, the opposition was overwhelmed and President Johnson was in almost total command of the situation. The White House was the command post. It was the focal point for the strategic decisions and for piloting the legislation through Congress.

It seems most unlikely that at any time in the foreseeable future will there be a set of circumstances in which a President will have both the desire and the need for the kind of command post that Johnson had in respect to education, or to devote as much of his time and interest to the subject of federal aid for education. Nevertheless, some people advocate that even with a new Department of Education, headed by a Cabinet Officer, and even upon the assumption that there will not hereafter be any burst of legislative activity that can compare with what occurred under the regime of Lyndon Johnson, the President should have a full-time assistant for education, performing a role similar to that carried out by Douglass Cater for Johnson. It is a proposal deserving analysis.

A Special Assistant to the President?

Presidents, of course, make up their own minds as to what kinds of assistants they need and want. Some of the considerations that go into their judgments come from their deeply held political and administrative outlooks, some from personal style, and some from factors that are brought to their attention from external sources. Generally speaking, Presidents want assistants who can help them in pursuing subjects in which they have a special interest as well as those who are essential to the operation of any White House, no matter who is President. With few exceptions, however, Presidents are poorly advised to appoint assistants whose set of assignments correspond to those of individual Cabinet Officers or agency heads. An Assistant to the President with a set of assignments confined to educational matters, and paralleling the concerns of a Secretary of Education, would be likely to think of himself as the President's closest--and perhaps his most influential--adviser. He would be likely to succumb to the temptation to "second guess" the Secretary on matters that belong in the purview of the Secretary. This is a very undesirable role for an Assistant to the President.

If a Department of Education is created, and an able Secretary of Education is appointed with the kind of a broad role described in Section IX, it would be especially important from the outset to encourage the Secretary to demonstrate just how effective he can be. It must be abundantly clear to all key officials that the Secretary of Education is acting for the President in the coordination of education programs. This means that any Presidential assistant assigned to deal with education matters should have this as a part of a broader set of assignments. He should be a broad and flexible assistant with low profile. This is not to imply that the creation of a Cabinet-level Secretary of Education would eliminate the need for a person on the White House staff who is very knowledgeable of education programs and problems; quite the contrary. The proposal to make a clear-cut assignment to the Secretary of Education to develop a series of Interagency Coordination Plans would make it imperative, if the proposal were to be adopted, that the President have a competent assistant through whom such plans would be channeled and carefully reviewed en route to the President. In other ways, such an assistant could be extremely valuable, both to the President and to the Secretary of Education, by being a staff analyst and facilitator, not an accountable decision-maker.

The Role of the Domestic Council

The suggestion has been made that the Domestic Council should have a significant role in the field of education, especially in respect to the interagency coordination function. One suggestion is that the Federal Interagency Committee on Education should be abolished and that its role should be taken over by a newly created subcommittee of the Domestic Council, headed by the Secretary of Education. The problem with the suggestion is that it would diffuse responsibility in a way that would put the Secretary of Education in an extremely awkward position, one in which he would be unlikely to perform his assigned role in an acceptable manner. The Domestic Council staff is located in the White House and is under the control of the White House. If the Secretary of Education were the chairman of a subcommittee of the Domestic Council, the normal assumption would be that the staff work of the subcommittee would be performed by the Domestic Council staff. This would divide responsibility in an intolerable way. The previous section described the manner in which the Secretary of Education should be held accountable by the President for conducting hearings in conjunction with the membership of the Federal Interagency Committee on Education (and with the cooperation and support of the Federal Advisory Commission on Education), and then proceed with a series of steps that would produce "Interagency Coordination Plans" in the field of education. It is absolutely essential to the success of that plan of action that the staff work be done under the complete direction and control of the Secretary of Education, by his own appointees. Otherwise, there will be backbiting and buckpassing and lengthy delays in carrying out the assignment, and the quality of the product will be significantly lower.

There may, at some time in the future, be a role for the Domestic Council in the field of education, but it is not that of being the home for a new subcommittee that would perform the role of Federal Interagency Committee on Education.

The Role of the Office of Management and Budget

Secretaries of Departments traditionally chafe under what they regard as heavy-handed control by the Office of Management and Budget over decisions that they feel should be within their province. The Secretaries of HEW have often felt this way; they have believed that in the field of budgeting the decisions of the OMB are often made with entirely too much specificity and detail, leaving them with the feeling that they are being second-guessed by OMB staff who regard their own judgments as superior to those of the HEW Secretary because of their position as staff to the President. To the extent that decisions are actually made by the President on the basis of a clear presentation by the OMB and the Secretary of their respective points of view, this feeling is markedly decreased. Unfortunately, over the years, only a small proportion of decisions concerning items in dispute have been made in this manner. It is recommended that at the outset of a new Department of Education, the President make clear to the new Secretary, and to the Director of the OMB, that he does not expect OMB to go into great detail in making its budgetary "allowances", and that if the Secretary and the Director of the OMB cannot come to agreement on certain matters, the disputed matters will be submitted to the President with concise statements of position prepared by each.

This recommendation is not intended to imply that the Department of Education should be singled out for unusual treatment. This is a policy that should be applicable to all Departments of the government. It is made here, in respect to the creation of a new Department of Education, to emphasize a general policy that should be followed. When a new Department is created, it affords opportunity to examine existing practices common to other departments that would, if followed without question, make management of the new Department unnecessarily difficult. The excessively detailed control by OMB staff over budgetary and management decisions is an important example of a practice that should be reviewed and modified in respect to the entire government.

The Office of Science and Technology Policy

The Secretary of Education, if a Department were to be created, would become a member of the apparatus of the Office of Science and Technology Policy, headed by the President's Science Adviser. The Secretary would be a member of the Federal Coordinating Council for Science, Engineering and Technology and should maintain continuing informal relationships with the President's Science Adviser. Their respective staffs should likewise keep in close touch. This would be especiallv important in connection with the performance of the Secretary's role (and that of the Federal Advisory Commission on Education) to monitor the institutional health of American universities. Even though the overwhelming proportion to the research monies that flow from the federal government to the universities would be outside the administrative jurisdiction of the Secretary of Education, the Secretary should be constantly on the alert for both short-range and particularly long-range maladies that may afflict the universities, and especially their capacity to keep the Nation in the forefront of world science. It is not possible to spell out respective roles and degrees of responsibility for taking action in the event that the "patient" were to contract a high fever or a chronic and debilitating disease, but the Secretary of Education and the President's Science Adviser should be on sufficiently close terms that they could discuss the matter in whatever depth seemed warranted, and make appropriate recommendations, or initiate appropriate actions.

REFERENCES AND NOTES

[1] For an excellent statement of these dynamics, see The Demographic Context of Educational Policy Planning, by Peter A. Morrison, first published in February, 1976, by the Rand Corporation, and reprinted as "An Occasional Paper of the Aspen Institute for Humanistic Studies Program on Education for a Changing Society (P.O. Box 1652, 360 Bryant Street, Palo Alto, California 94302).

[2] Former Secretaries of Labor John Dunlop and Willard Wirtz formed the National Manpower Institute in 1972 after Wirtz had left the Secretaryship and just before Dunlop assumed it, with the specific purpose of studying the relationship between the worlds of education, work, and leisure. Following a two-year study, the Institute produced a blueprint for community organization forthis purpose, entitled, The Boundless Resource (The New Republic Book Company, Washington, D. C., 1976). Also, the National Commission for Manpower Policy, chaired by Eli Ginzberg, commissioned a series of papers for publication in 1976 on the problems of transition from school to work, undertaken by ten distinguished analysts. These are to be published by the National Commission for Manpower Policy, 1522 K St., N.W., Washington, D. C. 20036. None of these studies addressed itself, however, to the problem of how best to design organizational linkages at the federal level to facilitate effective coordination at the community level.

[3] For an excellent explication of this change, see "The Declining Economic Value of Higher Education and the American Social System," an Occasional Paper of the Aspen Institute for Humanistic Studies, P.O. Box 1652, 360 Bryant Street, Palo Alto, California 94302.

[4] For an interesting account of the first year of life of the "Department of Education", in 1867, see "The Short Unhappy Life of the Federal Department of Education", by Allan Peskin, in the Public Administration Review, November/December, 1973, pp. 572-575.

[5] See A Passion for Anonymity, the Autobiography of Louis Brownlow, University of Chicago Press, 1958, p. 417.

[6] See Working Paper No. 3, "A Final Report of the President's Task Force on Government Organization," June 15, 1967. Lyndon B. Johnson Library.

REFERENCES AND NOTES (cont.)

[7] For an instructive discussion of the relationship between wasted motion and organizational size, see Anthony Downs, Inside Bureaucracy, the Rand Corporation, Little Brown and Co., Boston, 1967, pp. 140-143.

[8] See "A View from the Hill", by Robert C. Andringa, in Change, April, 1976.

[9] A study of the organization of federally financed education programs by a Carnegie Council Task Force on the Federal Government and Higher Education is due to be completed in the fall of 1976.

[10] For a list of Commissioners of education, see Appendix B.

[11] See editorial in Science, 24 September 1976, by William D. McElroy, in which he quotes Harold Enarson. (Vol. 193, No. 4259, p. 1199)

[12] See Elliot Richardson, The Creative Balance, Holt, Rinehart, and Winston, 1976, pp. 161-169.

APPENDIX A

Perspectives and Positions of the Various Groups Concerned with the Federal Role in Education

Views of the Presidential Candidates

President Ford's approach to the improvement of the administration of federal programs for the aid of education stresses non-organizational factors. In a special message to Congress on March 1, 1976, he proposed consolidating 24 existing programs into one block grant, focussed on the needs of the handicapped and the educationally deprived. Funds were to be provided, in his words, "with a minimum of federal regulation and a maximum of local control." The block grant was not enacted by Congress before its adjournment. President Ford has taken no position on the creation of a Department of Education.

Governor Carter has spoken favorably about the creation of a Cabinet Department of Education. In a statement issued from his campaign headquarters on May 18, 1976, he said, "Generally, I am opposed to the proliferation of federal agencies. . .But a Department of Education would consolidate the grant programs, job training, early childhood training, and many other functions currently scattered throughout the government. The result would be a stronger voice for education at the federal level." In a response to a questionnaire sent to all Presidential candidates by the National Education Association, Governor Carter said, "I am in favor of creating a separate Cabinet level Department of Education."

Congressional Interest and Positions

Members of Congress most clearly reveal their positions on issues when they sponsor bills, except when they introduce them "By Request." Following is a listing of the principal bills introduced in the 94th Congress that propose the removal of the education programs from the Department of Health, Education, and Welfare and the placement of them in a new Department of Education (or, in the case of Mr. Quie's bill, HR 3043, a Department of Education and Manpower):

HR 2	Mr. Flynt, D., Georgia	HR 11141	Ms. Keys, D., Kansas
HR 60	Mr. Perkins, D., Kentucky	HR 13130	Mr. Roe, D., New Jersey
HR 1893	Mr. Matsunaga, D., Hawaii	HR 13683	Mr. Allen, R., Tennessee
HR 3043	Mr. Quie, R., Minnesota	HR 13996	Mr. Devine, R., Ohio
HR 8538	Mr. Andrews, D., N. Carolina	S. 754	Mr. Humphrey, D., Minnesota
HR 9010	Mr. Spence, R., S. Carolina	S. 3191	Mr. Bartlett, D., Oklahoma
HR 9122	Mr. Litton, D., Missouri	S. 3689	Mr. Byrd, D., W. Virginia
HR 10241*	Mr. Litton, D., Missouri	S. 3857	Mr. Ribicoff, D., Connecticut

*Co-sponsored by Congressmen Eilberg, Roybal, Harris, Pritchard, Harrington, Edgar, Downey of N.Y., and English.

The bills vary greatly in content. No attempt is made here to summarize these differences. The principal purpose is to give some indication of the degree of initiative that exists in both the House and the Senate for the creation of a new Department of Education. As is evident, the list includes some of the most influential members of the Senate and the House.

Informal interviews with various committee staff members indicate that the majority of members do not have any strong feelings one way or another about a new Department of Education. They would be influenced by the strength of the arguments, pro and con, by the reactions of their constituencies, and, if the plan were recommended by a President of their party, by their general disposition to go along with his recommendations. If a plan were submitted that created a great deal of opposition on the part of their constituencies, it would obviously affect their votes. On balance, at the present time, the disposition would be in favor of a separate Department of Education if it were designed in such a way as to avoid treading on too many toes.

The Education Organizations (those primarily concerned with "K through 12")

The position of the National Education ASsociation in respect to the organization of education functions at the federal level was set forth in their recommended plank, submitted to the two party conventions for their consideration in developing their 1976 platforms:

> "The quality as well as the quantity of federal assistance to education must be improved. One way to move education to its rightful priority in national affairs is to establish a Cabinet-level Department of Education. Such a Department is necessary to give direction to the various educational activities of the federal government and to prevent overlapping and duplication in functions and programs. A Department of Education would have greater status in the Executive Branch than the present Education Division of the sprawling Department of Health, Education, and Welfare. Its focus would be clear, its lines to the White House and to Capitol Hill direct and strong. Leadership in this most important of domestic enterprises would be vested in an agency whose single purpose would be to promote the cause of better education."

The NEA would like to see such a Department of Education include not only the functions currently included in the Education Division of the Department of Health, Education, and Welfare, but the dependents schools programs of the Department of Defense (and the State Department and Trust Territory Schools), all Indian education, early childhood programs (Head Start, etc.) of the Office of Child Development, day care programs, and others. NEA would not oppose a department without all these components, but would seek, at the propitious time, to have these programs added if they were not initially a part of the new Cabinet-level Department of Education.

The American Federation of Teachers no longer favors the creation of a separate Department of Education, as it once did. Its membership decided in 1972 that they would prefer to remove education from the mainstream of politics by creating a 21-member Board of Education that would select the highest ranking educational official of the federal government and appoint him or her for a term not to exceed five years. (This is essentially the plan recommended by Commissioner of Education Philander Claxton to President Harding in 1922. It is opposed by public administration doctrine favoring single executives appointed by and accountable to the chief elected official.) Whether the Federation would oppose a Cabinet level Department of Education if it were proposed by the President was not determinable at the time of this study, but it seems doubtful, especially if virtually all other education organizations supported it.

For the past decade, the American Association of School Administrators has favored a Cabinet-level Department of Education. A separate Department of Education would, in the words of the Association, "greatly enhance the formation and implementation of education policy." The AASA would prefer a Department that went well beyond the elevation of the current Education Division of HEW to Cabinet Status. The AASA is much concerned about the need for much closer consultation between the federal officials responsible for promulgating rules, regulations, and procedures (and for revising them) and the school administrators who have to carry them out, than has been true heretofore. If a Department of Education were to be created, the AASA would strongly urge that it be designed in such a manner as to give assurance that such consultation would be both timely and thorough.

The Council of Chief State School OFficers would support the creation of a new Cabinet-level Department of Education if it seemed to be designed in such a way as to improve the development and administration of education policies, regulations, and procedures. The CCSSO "Policy Statements for 1976" include nothing about the creation of a Cabinet-level Department, but much about the need for improving leadership in educational administration and the elevation of the priority accorded education by the Nation and the Federal Government. To the extent that any plan seemed to meet these basic tests, it would presumably gain the approval of the CCSSO.

The National School Boards Association favors a Cabinet level Department of Education. Its Delegate Assembly passed a resolution at its April 10-13, 1976, meeting stating, among other things, that:

> "The National School Boards Association urges that the Congress and the President of the United States improve the efficiency and administration of federal programs of assistance to public education and eliminate duplication of effort and competition among federal agencies in the field of education by:

> A. establishing a Department of Education administered by a Secretary of Education, delegating to the proposed Department of Education full responsibility for the administration and evaluation of any federal program of an educational nature. The Department of Education should then be held responsible for the proper allocations of appropriations for any and all programs; . . ."

The NSBA would presumably support as comprehensive a Department of Education as the President and the Congress could agree upon.

The American Vocational Association has long favored a Cabinet-level Department of Education, by that or some other name. This is the position the AVA's House of Delegates took on December 8, 1967:

> Therefore, Be It Resolved that the American Vocational Association urge the Congress to establish a new federal agency for Education and Career Development to be headed by a member of the President's Cabinet. This agency should provide leadership and resources so that the schools of the nation might assume a central role in the preparation for work of all people in all communities. Among the responsibilities delegated to this Department should be the administration, through the states, of federal programs relating to education at the elementary, secondary, and post-secondary levels, including all programs of occupational training and/or vocational-technical education that are funded totally, or in part, with federal funds.

The AVA would presumably favor the option discussed in Section VII under the heading: "A Department of Education and Human Development", but not oppose a Department of Education without the Employment and Training Administration of the Department of Labor.

The Education Organizations Concerned with Higher Education

The numerous organizations representing the interests of post-secondary education have not been prone to join with the organizations representing elementary, secondary, and vocational education in taking formal positions in favor of the creation of a separate Department of Education. Interviews with staff members of these organizations seem to indicate, however, that the disposition of most of them would be quite favorable to the creation of a Department of Education, especially if the design of the Department were such as to assure a greater degree of attention to the concerns of higher education than has been the case under the current organization.

There is considerable apprehension among many members of the higher education community that a Department of Education would have the effect of magnifying the influence of the organizations concerned with elementary, secondary, and vocational education without correspondingly increasing the influence of the colleges and universities and their organizational representatives. In fact, many feel that an increase in the proportion of total attention that is given to the problems of higher education is past due. Any plan to gain Congressional approval of a new Department of Education would need to take account of this prevalent attitude.

The AFL-CIO

The AFL-CIO favors a separate Cabinet-level Department of Education, provided the Department is of relatively simple design, according to its legislative director, Andrew Biemiller. It does not favor removing the manpower functions from the Department of Labor and merging them with the education functions of the Department of HEW to form the central thrust of a new Department of Education and Human Development, the fifth model analyzed in Section VI. It believes that public service employment programs, whether for adults or youth, apprenticeship programs, the United States Employment Service, and other components of the Employment and Training Administration of the Department of Labor belong in that department. The AFL-CIO would oppose any plan that would, in any significant degree, dismember the Department of Labor.

Other Organizations

There are various other organizations that will take an interest in any proposal to create a Department of Education. Time did not permit a canvass of business organizations, public interest groups, and others. The selection was made to cover those with a known interest in the subject. None has been identified that would take a strongly negative attitude.

APPENDIX B

Commissioners of Education, 1953-1976

Earl James McGrath, March, 1949 - April, 1953

Lee M. Thurston, July, 1953 - September, 1953 (Died in office)

Samuel M. Brownell, November, 1953 - August, 1956

Lawrence G. Derthick, December, 1956 - January, 1961

Sterling M. McMurrin, April, 1961 - September, 1962

Francis Keppel, December, 1962 - January, 1966

Harold Howe II, January, 1966 - December, 1968

James E. Allen, Jr., May 1969 - June, 1970

Sidney P. Marlin, Jr., December, 1970 - November, 1972

John Ottina, August, 1973 - May, 1974

Terrel H. Bell, June, 1974 - August, 1976

Edward Aguirre, October, 1976 -

AMERICAN COUNCIL ON EDUCATION

Roger W. Heyns, President

The American Council on Education, founded in 1918 and composed of institutions of higher education and national and regional associations, is the nation's major coordinating body for post-secondary education. Through voluntary and cooperative action, the Council provides comprehensive leadership for improving educational standards, policies, and procedures.

Chairman RIBICOFF. The committee will stand adjourned until tomorrow morning at 10 o'clock.

[Whereupon, the committee recessed at 11:25 a.m.]

DEPARTMENT OF EDUCATION ACT OF 1977

THURSDAY, OCTOBER 13, 1977

U.S. Senate,
Committee on Governmental Affairs,
Washington, D.C.

The committee met, pursuant to notice, at 10:00 a.m. in room 3302, Dirksen Senate Office Building, Hon. Sam Nunn (acting chairman) presiding.

Present: Senators Nunn and Ribicoff.

Staff members present: Marilyn A. Harris, executive administrator and professional staff member; Elizabeth A. Preast, chief clerk; Robert V. Heffernan, research assistant; and John Childers, chief counsel to the minority.

OPENING STATEMENT OF SENATOR NUNN

Senator Nunn. The committee will come to order.

I welcome the committee's initiative in beginning action on a long overdue proposal—the establishment of a separate, Cabinet-level Department of Education. Testifying this week are some of the most distinguished citizens in the private and public sector who have a strong commitment to education in our country. We are honored to have them here.

For too long, our educational programs have failed to receive the attention and status their importance demands. Most education programs in the Department of Health, Education, and Welfare have literally been smothered in their effective administration by the overwhelming size and complexity of health and welfare programs.

The Federal Government's initiatives in education are marked by inefficiency, poor coordination, and uncertain budget targetability. No Secretary of a $155 billion department, in my opinion, could be expected to devote the necessary time and energy to a $10 billion Education Division to link those programs with others in the 40 Federal agencies involved with education, much less those within his own department.

I know the people of Georgia and the rest of the country are strongly opposed to the proliferation of costly Government agencies. The creation of a Department of Education, in my view, could actually reduce bureaucracy by eliminating duplication and waste. Consolidating many of the widely scattered education programs under one roof with one strong Cabinet Secretary will greatly improve management and coordination of existing programs.

Examples of waste and duplication are easily documented. One comprehensive study, the Federal Paperwork Commission's Report on

Education, released a few months ago, notes that one State was spending 40 percent of its administrative hours completing education reports for the Federal Government, yet only 10 percent of its education funds come from HEW.

The report found Federal paperwork burdens costing a consortium of 20 colleges in a Southern State more than $686,000 in 1976, or nearly $50 for every full-time student.

Another college spent 9,200 staff-hours preparing 909 fiscal reports during fiscal year 1976.

"Educators complain that the rapid growth of educational bureaucracies at all levels has led to an increased concentration on the regulatory and administrative processes and the diversion of faculty and their primary responsibility—teaching," the report says.

This badly needed Department would reduce the amount of inconsistency and overlap in Government regulation and would enable schools, colleges, and universities to focus on the needs of students, rather than on the time-consuming preparation of Government forms and reports—or at least that is the hope and aspiration I have for the Department.

To insure economically sound administration of education programs, S. 991 includes a special provision to guard against fraud and abuse—the post of Inspector General. This is similar to the newly established Inspector General in HEW, which I sponsored last year, and which passed the Congress and has been signed into law. The Education Inspector General would audit and investigate the awarding of contracts and grants by the new Department. So that provision would be similar to what is already in HEW now.

In instances such as the misawarding of funds and defaulting of student loans, the Inspector General could make a thorough investigation and appropriate recommendations or refer certain matters to the Justice Department. This will insure taxpayers' dollars are not wasted because of inefficiency or abuse.

Nothing is more important than the education of our citizens. If education is so critical to the success of our Nation as a whole, then I think we should accord it the status and attention it really deserves. By taking education out of the ever-growing, massive HEW Department, the Federal Government will have a single, strong voice to meet our future education challenges.

In my view, a Department of Education will represent a giant step toward genuine reform in the delivery of our education programs to the American people. I believe that S. 991, which I cosponsored along with 56 other Senators, presents a strong foundation from which the committee and the Congress can formulate a realistic and workable proposal for a Department of Education.

I have been a longtime supporter of this concept, and I know that many of today's witnesses agree with me. However, I am anxious to hear any reservations or recommendations which these distinguished panels have to offer. In particular, I know that some have concerns with respect to the inclusion in the new Department of the Department of Defense Overseas Dependent Schools, the Department of Agriculture study programs, and the Head Start program. I also know that some of our knowledgeable witnesses will oppose this bill with all sincerity, and I am sure with logic. I will be very interested in exploring with them their concerns regarding the separation of education from HEW and their feelings on its impact on the general welfare of our citizenry.

So it is my pleasure to chair these hearings today. Senator Ribicoff is very engaged at the moment with the Finance Committee's deliberations on the President's energy proposal. Many of the other Senators are also tied up with this. Senator Ribicoff has been very involved and interested in this proposal. He and I first talked about it a couple of years ago, and his interest in it dates back long before that.

We have two panels before us this morning. The first panel is composed—and I will ask the participants to come forward as I call them—Mr. John Ryor, president of the National Education Association. Dr. Wayne Teague, Chief State School Officers. Dr. Teague will be accompanied by Joanne Goldsmith, member of the Maryland State Board of Education and National Association of State Boards of Education. Dr. Teague is the Alabama State Superintendent of Education. Mrs. Grace Baisinger, president, National Congress of Parents and Teachers, known also as the PTA. Mr. Will D. Davis, president, National School Boards Association. Mr. Frank Dick, immediate past president, American Association of School Administrators and also the superintendent of schools in Toledo, Ohio. I am very glad to have all of you here this morning and look forward to your testimony.

Mr. Ryor, I think we will lead off with you this morning, if that is satisfactory. I think we are going to need to pass the microphone down. If you will talk into it, it will help.

TESTIMONY OF JOHN RYOR, PRESIDENT, NATIONAL EDUCATION ASSOCIATION; DR. WAYNE TEAGUE, CHIEF STATE SCHOOL OFFICERS, ALABAMA STATE SUPERINTENDENT OF EDUCATION, ACCOMPANIED BY JOANNE GOLDSMITH, MEMBER, MARYLAND STATE BOARD OF EDUCATION, NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION; GRACE B. BAISINGER, PRESIDENT, NATIONAL CONGRESS OF PARENTS AND TEACHERS (PTA); WILL D. DAVIS, PRESIDENT, NATIONAL SCHOOL BOARDS ASSOCIATION; AND FRANK DICK, IMMEDIATE PAST PRESIDENT, AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS, SUPERINTENDENT OF SCHOOLS, TOLEDO, OHIO, A PANEL

Mr. Ryor. Mr. Chairman, on behalf of the 1.8 million members of the National Education Association, I wish to express my gratitude to you and the members of this committee for the opportunity to testify on legislation to establish a Cabinet Department of Education.

You are aware, Mr. Chairman, that NEA has been involved in this effort for a number of years. In fact, it was the NEA, known then as the National Teachers Association, which successfully urged President Andrew Johnson and Congress in 1867 to establish a national education agency. Since 1970, NEA and the other big six education organizations have actively worked for a separate Department of Education. This desire is not just centered within the education community, as must be evident from the testimony you heard yesterday from the Citizens Committee for a Cabinet Department of Education. That committee represents a broad spectrum of American society.

In Congress over the past 69 years, more than 110 separate bills have been introduced on this subject, including the current S. 991 with an unprecedented 57 cosponsors. And in 1976, then-candidate Jimmy Carter clearly summed up this support when he noted:

> I think the public is ready for a clear expression from the national viewpoint, about what we should do for education in this country. It's something that has been relegated to a secondary position in the past. The only new department that I know of that ought to be created is a separate Department of Education. I will pursue this goal in the context of an overall reorganization of government.

And yet in spite of these endorsements, neither Congress nor the administration has acted, and we have no Department of Education.

The NEA does not feel that this inactivity necessarily reflects a lack of commitment. Rather, all interested parties have simply stayed on the philosophical outskirts of this issue and have not devoted enough attention to the practical matters involved in creating a Department of Education. It is our hope that these hearings will now provide the stimulus to move away from the rhetorical question of whether there should be a Department and focus our attention on what should be included in the proposed Department of Education.

In this regard, the NEA has formed some definite opinions. Although ideally, as teachers, we would like to see all functions of the Federal Government which encompass education included, we acknowledge the political and administrative impracticality of such a design. Due to the limited amount of the time we have here today, we will summarize our recommendations and will be happy to address questions on these or submit more detail for the record at a later time.

The NEA advocates that the entire Education Division of HEW be included in the new Department. In addition, the following nine activities should be included:

(1) Head Start program;
(2) Howard University, Gallaudet College, and the American Printing House for the Blind;
(3) School lunch and related child nutrition programs;
(4) Department of Agriculture Graduate School;
(5) HUD college housing program;
(6) BIA schools and other BIA education programs;
(7) DOD overseas dependent schools;
(8) National Endowment for the Arts and Humanities; and
(9) Educational broadcasting grants of HEW.

Excluded should be a number of arguably education-related programs such as the VA program and the manpower training programs in their present form. We believe those should not be merged into the Department at its initial formation.

Finally, there are a number of programs which S. 991 transfers, but on which we have not at this time formed a position, including the educational directorate of the National Science Foundation and the education functions of the Office for Civil Rights.

Now, Mr. Chairman, instead of repeating what this committee has already heard as to the reasons for a Department of Education, we would like to specifically address the two major arguments which have been raised in opposition to Cabinet-level status for education.

First, there is the argument that the Federal Government should be organized along a small number of functionally oriented departments.

The objective is to reduce the number of department heads with whom a President must deal. Second, critics claim that by taking the "E" out of HEW the Federal Government would be isolating the education community from the total individual.

In countering these two arguments, we wish to make it abundantly clear that our focus is on the student and how this Nation can best provide equal educational opportunities for its citizens. We are not interested at all in the issue of turf protection or convenience for Washington organizations or Washington bureaucrats.

It is contended that, for a busy President to be more responsible and accountable, he should be required to deal with only a limited number of Cabinet Secretaries with broad responsibilities. While we acknowledge that time demands are a crucial factor, the NEA does not believe that the President, the Congress, or the American people are of the opinion that education—as one of the Nation's largest enterprises, directly involving nearly one-third of our total population—is of such a secondary priority to warrant only nominal attention or second-level status. Surely the education of our citizenry with its dramatic and profound impact on the productive capacity and future economic and social well-being of this Nation demands as much Presidential time and attention as the development of programs designed to physically transport our citizens and our goods.

Furthermore, the NEA does not believe that the present structure of the Government, with varying education functions tucked in the nooks and crannies of more than 40 Federal Departments, agencies, and bureaus, is an efficient or effective organizational base from the standpoint of the executive or legislative branch.

With a Secretary of Education, the President and Congress would be able to hold one individual accountable for the more than $10 billion which the Federal Government spends on education—rather than having to consult with six Cabinet officers and an untold number of agency heads.

The second argument in opposition—namely, that education as an isolated function would destroy the machinery currently found in the HEW structure to serve the total individual—is without any merit whatsoever.

First of all, such an argument is based on the mythical premise that HEW in its present octopus-like form meets the total child's needs. Our experience as teachers and as members of the community at large points in the opposite direction. Perhaps because HEW functions are grossly dissimilar, there is little power to coordinate within the varying offices and certainly little desire on the part of administrator to be coordinated.

It might be noted that no other modern industrial country has seen fit to group education with health and welfare, nor has any State. Rather than try to justify such a grouping with the phrase "total child" we should acknowledge the fact that the grouping was an accident of history which is not working.

Further, the machinery currently in place is not operating all that smoothly. Let me give you one example.

NEA has just completed a survey of where the Federal money goes and how it is used. We have this information on a program-by-program, school-district-by-school-district basis. Preliminary analysis of the data reveals some alarming discrepancies between Office of Education records of fund distribution and records of receipt and reallocation furnished us by State departments of education.

Just examining the figures for title I of the Elementary and Secondary Education Act for fiscal year 1974 in New Jersey, New York, and Pennsylvania, we found that the records do not begin to match. We found in Pennsylvania and New Jersey that the discrepancies did not exist for every school district. In New York State, on the other hand, the data did not match for virtually all of the school districts.

In New Jersey, the Office of Education records show $3.5 million more in title I funds provided to the State than was reported to us by the State department of education.

In Pennsylvania, Office of Education records show $2.5 million more than reported by the State department of education.

But in New York State, the discrepancy is a whopping $71 million, including nearly $65 million for the city of New York alone.

[A table of detailed comparison follows:]

	Revenues reported to NEA by State departments of education 1973-74	OE 5-12, fiscal year 1974	Difference
New York	$159,003,808	$230,177,408	$71,173,600
New Jersey	51,297,968	54,834,528	3,536,560
Pennsylvania	69,663,184	72,177,120	2,513,936

Mr. Ryor. These discrepancies concern us greatly. Obviously they indicate a tremendous lack of accountability, direction, and coordination. What we are describing here is happening in programs that are relatively easy to spot—education programs operated by, and presumably monitored by, the Education Division of HEW. We have not attempted to scrutinize those education programs which comprise relatively minor parts of other departments or agencies.

Senator Nunn. Excuse me. Did anybody find out what happened to that $71 million in New York, $3 million in New Jersey, and $2 million in Pennsylvania? Was this just an accounting discrepancy?

Mr. Ryor. No, Senator, we do not know what happened to that money. Neither does the Office of Education. We raised the question. The implications are clearly, from our point of view, an administrative question, a followup question, a tracking of the funds. No one has that information.

Senator Nunn. I assume someone is pursuing it.

Mr. Ryor. I hope, Senator, that someone will pursue it. I hope the Office of Education, the appropriate agencies will find out what has happened to the money.

Senator Nunn. I will ask the staff to direct an inquiry to the Office of Education and Secretary Califano also on this question, and hopefully we can get a reply that will explain the discrepancy, but if we do not, then we will have to consider asking the General Accounting Office to look into it.

[The material follows:]

ABRAHAM RIBICOFF, CONN., CHAIRMAN
JOHN L. MC CLELLAN, ARK.
HENRY M. JACKSON, WASH.
EDMUND S. MUSKIE, MAINE
LEE METCALF, MONT.
THOMAS F. EAGLETON, MO.
LAWTON CHILES, FLA.
SAM NUNN, GA.
JOHN GLENN, OHIO
JIM SASSER, TENN.
CHARLES H. PERCY, ILL.
JACOB K. JAVITS, N.Y.
WILLIAM V. ROTH, JR., DEL.
TED STEVENS, ALASKA
CHARLES MC C. MATHIAS, JR., MD.
JOHN C. DANFORTH, MO.
H. JOHN HEINZ III, PA.
RICHARD A. WEGMAN
CHIEF COUNSEL AND STAFF DIRECTOR

United States Senate
COMMITTEE ON
GOVERNMENTAL AFFAIRS
WASHINGTON, D.C. 20510

October 19, 1977

The Honorable Joseph A. Califano, Jr.
Secretary of Health, Education
and Welfare
Washington, D. C. 20201

Dear Mr. Secretary:

National Education Association President John Ryor, in testimony before the Governmental Affairs Committee on October 13, reported the results of an NEA survey which found discrepancies between Office of Education records of fund distribution to States and localities and records of receipt and reallocation furnished by State departments of education.

At the hearing, Mr. Ryor disclosed that New York State records show receipt of $71 million less than the records maintained by the Office of Education. Further discrepancies were found in the State of New Jersey and Pennsylvania, according to the survey. (A copy of the NEA testimony and transcript discussing this matter is enclosed.)

Because of the seriousness of these reported discrepancies, we would like to know if either the Department or the Office of Education has looked into this matter. If not, we respectfully request that such an inquiry be made.

Sincerely,

Sam Nunn

Abe Ribicoff
Abe Ribicoff

Enclosures

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D.C. 20201

GOVERNMENTAL AFFAIRS COMM.
RECEIVED
OCT 28 1977
WASHINGTON, D.C. 20510

OCT 26 1977

The Honorable Abraham Ribicoff
Chairman
Committee on Governmental Affairs
United States Senate
Washington, D. C. 20510

Dear Abe:

Thank you for your letter of October 19, also signed by Senator Nunn, in which you share your concerns about the National Education Association (NEA) survey alleging discrepancies between Office of Education (OE) and State education departments' records of funds distributed to States and localities.

We are aware of the allegations contained in the NEA survey, and the appropriate offices in OE are investigating the matter.

Unfortunately, OE's investigation has been hampered by the apparent reluctance of the NEA to share the basis of its survey findings. The NEA has advised OE that the survey is still in "draft."

However, in order to push ahead with the investigation, OE officials have contacted the education departments in New York, New Jersey, and Pennsylvania directly. Our information from the States indicates there may be reason to question NEA's preliminary findings.

I have asked Commissioner Boyer for a complete report by November 5. If you need additional information in the meantime, please contact me.

Sincerely,

Joe

Joseph A. Califano, Jr.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D.C. 20201

NOV 11 1977

The Honorable Abraham Ribicoff
Chairman
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Abe:

This is in further response to your letter of October 19 concerning allegations made before your Committee by the National Education Association about the distribution of Office of Education funds to States and localities.

As I indicated in my letter of October 26, Commissioner Boyer has personally looked into the charge that discrepancies exist between Office of Education and State records for more than $70 million in Title I ESEA funds, and that these funds are not accounted for. His investigation has been limited, however, by the absence of a full and final report of the NEA survey and the NEA's unwillingness to share their rough data. The information we have obtained so far from discussions with education officials in New York, New Jersey, and Pennsylvania, discussions with NEA officials, and a review of our own records indicates that:

- NEA used for quasi-auditing purposes an incomplete 1974 statistical report (OE-512), designed only to show Congress the general distribution of funds within a State. The text accompanying the report, which explicitly warned of its limitations, appears to have been disregarded.
- NEA compared this statistical report to various State accounting records.
- The NEA survey appears not to have taken into account:
  - the amount of funds budgeted during the school year and the amount carried over into the next fiscal year at the discretion of the local education agencies;

  - the impact on Title I of the late 1974 appropriation and the release that year of 1973 impounded funds.

- o At no point in the conduct of the survey did the surveyors seek explanations or background from anyone in the Title I Program Office. Their Federal sources were the OE-512 report and additional statistical reports.

- o All three States mentioned disagree with NEA's data and can account for the exact disbursements to LEA's.

Further, it is my understanding that OE has never received a complaint from any of the local school districts involved that it was not receiving its share of Title I funds.

We intend to meet further with the NEA on these issues, but, on the basis of our findings to date, I believe that their charges are not substantiated by the facts. When we receive the NEA survey and have a chance to review it, I will forward a final report to you on this matter.

Sincerely,

Joe

Joseph A. Califano, Jr.

HARRISON A. WILLIAMS, JR., N.J., CHAIRMAN
JENNINGS RANDOLPH, W. VA.
CLAIBORNE PELL, R.I.
EDWARD M. KENNEDY, MASS.
GAYLORD NELSON, WIS.
THOMAS F. EAGLETON, MO.
ALAN CRANSTON, CALIF.
WILLIAM D. HATHAWAY, MAINE
DONALD W. RIEGLE, JR., MICH.
JACOB K. JAVITS, N.Y.
RICHARD S. SCHWEIKER, PA.
ROBERT T. STAFFORD, VT.
ORRIN G. HATCH, UTAH
JOHN H. CHAFEE, R.I.
S. I. HAYAKAWA, CALIF.

STEPHEN J. PARADISE, GENERAL COUNSEL
AND STAFF DIRECTOR
MARJORIE M. WHITTAKER, CHIEF CLERK

United States Senate
COMMITTEE ON HUMAN RESOURCES
WASHINGTON, D.C. 20510

November 9, 1977

Dear Abe:

On October 13 the Governmental Affairs Committee received testimony from the National Education Association. This testimony included a comparison from two sources of data on expenditures of ESEA Title I funds. The analysis showed a discrepancy so large that further investigation was appropriate.

I have asked the New York State Education Commissioner to review this matter and to advise me and the Committee as to the reason for the discrepancy. He has provided an excellent analysis which shows that all funds were properly received by the State and distributed to local school districts in accordance with applicable law and regulations.

I hereby request that this letter and the response to my inquiry from New York State Education Commissioner Ambach be incorporated in the proper place in the hearing records.

With best wishes,

Sincerely,

Jack

Jacob K. Javits

Hon. Abraham Ribicoff, USS
United States Senate
337 Russell Office Building
Washington, D.C.

Enc.

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
OFFICE OF THE PRESIDENT OF THE UNIVERSITY
AND COMMISSIONER OF EDUCATION
ALBANY, NEW YORK 12234

[illegible] NOV 7 1977

November 2, 1977

Dear Senator Javits:

I am writing to you in response to recent allegations by the National Education Association (NEA) that $71 million in FY 1974 Federal funds earmarked for children in low-income families under ESEA, Title I, in New York State never reached local school districts. NEA representatives testified to this effect on two separate occasions, on October 12 before the Senate Subcommittee on Education, Arts, and the Humanities; and on October 13 before the Senate Committee on Governmental Affairs. An NEA press release was also issued on October 6, 1977. I would like to request this letter be submitted for the record, as an official response to the allegations made on these several occasions.

We have found that the allegations are based on a comparison of two figures for FY 1974 which cannot properly be compared. The NEA compared the amount of cash received by local school districts during FY 1974 for Title I programs with the FY 1974 Title I program allocation. There is an important distinction between actual cash receipts and program allocations. The records of the New York State Education Department show clearly an allocation of $230 million for FY 1974 to local education agencies, the total amount available as provided by the U.S. Office of Education official allocation. This amount was actually expended by local school districts during FY 1974 and the subsequent fiscal year. The NEA fails to recognize that the FY 1974 funds could be and were expended over a two-year period, FY 1974 and 1975.

As you know, this procedure of expenditure is permitted by the so-called Tydings Amendment, and in this particular case, by PL 93-269 which allowed FY 1973 and FY 1974 funds to remain available for obligation and expenditure until June 30, 1975. The latter public law was enacted in April of 1974 to help alleviate administrative problems caused by the erratic appropriations process which occurred in the years 1973 and 1974.

It is important to recall the history of ESEA, Title I, during 1973 and 1974. This was a period when school districts could not depend upon a known flow of funds to operate programs for disadvantaged children. The year of 1973 saw a deadlock between the Congress and the President over the FY 1973 Labor/HEW Appropriations Bill, with no appropriation enacted that year. The position of the Congress was finally upheld by the Federal courts six months into FY 1974 at which time $225 million of impounded FY 1973 Title I funds were released. The efficient allocation and expenditure of these additional funds prompted enactment of PL 93-269, in order to allow school districts to plan effective programs.

FY 1974 was no less confusing. A FY 1974 Appropriations Bill was not finally enacted until almost half of the fiscal year had passed. The U.S. Office of Education allocated these funds more than two months later. As a result of these delays, States and school districts had additional FY 1973 and FY 1974 funds which had to be carried over into FY 1975 for the efficient administration of the Title I program.

To add to the confusion, since FY 1974 was the first year 1970 census data was used in the Title I formula, the Congress enacted three different hold harmless formulas through various continuing resolutions and the final appropriations bill. Hence, States and school districts received three different notices with varying amounts of allocations during FY 1974.

During this period local education agencies were reluctant to enter into new programming when funding was so uncertain. Most particular for New York State school districts was the fact that, in FY 1975, the Title I formula change resulted in a decrease in allocations to New York State. School districts, therefore, followed a prudent course of trying to maintain stability in their local programs by leveling the cash flow available to them through the authorized procedure of carrying funds from one fiscal year to the next.

You can be assured that all FY 1974 Title I funds allocated to New York State did, in fact, reach local school districts and were expended.

The Congress now is considering revisions in ESEA Title I. I hope we can join together in seeing that additional resources can be found for our urban centers which were so adversely affected by the formula change in the Education Amendments of 1974.

Sincerely yours,

Gordon M. Ambach

The Honorable Jacob K. Javits
United States Senate
321 Russell Building
Washington, DC 20510

cc: Mr. John Ryor, President, National Education Association
Mr. Terry Herndon, Executive Director, National Education Association
Mr. Stanley McFarland, Director of Government Relations, National Education Association
Mr. Edwin Robisch, President, New York Educators Association
The Honorable Claiborne Pell, United States Senate
The Honorable Sam Nunn, United States Senate
The Honorable Abraham Ribicoff, United States Senate

GOVERNMENTAL AFFAIRS COMM.
RECEIVED
DEC 8 1977
WASHINGTON, D.C. 20510

STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION
225 WEST STATE STREET
TRENTON N.J.

DEC 7 1977

OFFICE OF THE COMMISSIONER

December 1, 1977

Com

The Honorable Abraham A. Ribicoff
Senate Committee on Governmental Affairs
337 RSOB
1st Street and Constitution Ave., N.E.
Washington, D. C. 20510

Dear Senator Ribicoff:

The testimony of John Ryor of the National Education Association before your Subcommittee on October 13, 1977 was in gross error regarding alleged F.Y. 1974 Title I appropriations and expenditures in New Jersey. The testimony alleges that New Jersey received $54,834,528 from the Federal Government and reported only $51,297,968 in Title I revenues. Please consider this letter an official response to these allegations.

The fiscal records of the New Jersey Department of Education (as submitted to USOE - Financial Status Report HEW Form 601T) clearly show $55,919,420 in Title I ESEA Parts A, B, and C funds authorized. All such funds were allocated to LEA's for expenditure by June 30, 1975. An amount of $834,005 was unexpended by local school districts and returned to the State for proper refund to the Federal Government.

The allegations are false because they are based on two obvious failures to recognize existing Federal laws pursuant to carry-over of Federal funds. First, the 'Tydings Amendment' (20 USC 1225) allows for 'carry-over' of funds for one fiscal year beyond the fiscal year of appropriation. Second, P.L. 93-269 allowed both F.Y. 73 and 74 funds to remain available for obligation and expenditure until June 30, 1975 because of the release of impounded funds during F.Y. 74.

The NEA appears to have taken records showing amounts of Title I dollars received by LEA's during F.Y. 74 and attempted to compare that figure with F.Y. 74 total program allocations. Obviously, the carry-over and expenditure cycle was ignored by

NEA. Apparently NEA's data collection failed to follow basic fiscal audit procedures.

Let the record show that New Jersey received $55,919,425 in F.Y. 74 Title I, Parts A, B, C funds; not $54,834,528 claimed by NEA and be assured that all such funds were properly expended by the State of New Jersey.

Sincerely,

Fred G. Burke

Fred G. Burke
Commissioner

Mr. RYOR. We just cited, Senator, as one more reason for a Cabinet level Department of Education, the need for overall administrative coordination.

If I could continue. If such a pattern exists under the nose of the Government's top education officials, we are almost afraid to look at what may be and probably is happening where education is only an afterthought in some other agency's responsibilities. We think it is critical that all these programs be consolidated and the management responsibilities assigned to one individual with Secretarial authority.

The schools of 1977 are not isolated communities operating during limited time frames and for limited purposes. Rather than isolation, the schools have been thrust into the position of being called upon to establish social justice where other institutions have failed.

The needs and desires of the total student are what we as teachers are asked to cope with every day. We believe we can do so more successfully with the help of a sustained and concentrated voice at the Federal level to help us meet these needs.

Let me conclude, Mr. Chairman, by quoting from a letter which a teacher in West Virginia recently wrote to the President of the United States explaining why he felt this Nation must have Cabinet Department of Education:

> Education and educational agencies still have no real home in the national government, being fragmented throughout the several agencies, with no one in government really speaking for education in a clear, concise voice. The right hand still does not know what the left hand is doing and competition for the limited funds available for educational programs continues.
>
> We need a Cabinet Department of Education. The case has been stated over and over and you have stated it yourself. Maybe no one really knows how many Federal departments are needed to meet the needs of America's people, but few people after sober thinking would deny that education should be a national priority and that someone in some place should be in a position to know what is going on in education. A cabinet officer is necessary.

Thank you very much.

Senator NUNN. Thank you, sir.

Dr. Teague?

Dr. TEAGUE. I am here on behalf of the Council of Chief State School Officers and the National Association of State Boards of Education.

These two organizations represent the 50 States and extra State jurisdictions.

On behalf of the State of Alabama and these two organizations which I represent, I am pleased to be able to express support for the establishment of a Cabinet-level Department of Education.

We in Alabama are indeed proud of our two distinguished Senators—Senator John Sparkman and Senator James Allen. Both are cosponsors of the bill.

In these hearings you have heard many valid reasons for the establishment of a Cabinet-level Department of Education. Among these arguments are three I would like to respond to.

First, the establishment of a Department of Education would be cost effective, thereby saving the taxpayers money. According to President Carter's statement, there are now some 1,900 Federal agencies which the President proposes to reduce to 200.

A Department of Education would consolidate grant programs, job trainings, early childhood education, literary training, Indian education, schools for dependents of military personnel, programs now included in the National Science Foundation, and many other programs.

This consolidation would help cut down on the maze of paperwork and duplication of effort at the Federal, State, and local governments, thereby giving education one voice.

Second, there is a need for the highest educational officer in the Government to have authority to monitor the educational programs of all major Federal agencies. At the present time there are more than 20 Federal agencies that have a role in education. The Office of Education is responsible for approximately 120 programs. A separate Department of Education could direct a comprehensive and effective Federal education policy. A Department of Education could lift education out of the maze of bureaucracy where most of its administration is now bogged down in needless paperwork.

Third, the establishment of a Department of Education would provide Federal leadership in the area of education.

Senator NUNN. Let me ask you a question. I am concerned about the paperwork problem. I hear more and more about it from people in the classrooms, and the people at the administrative level in local school systems as well as the State level in my State of Georgia, and I think it is probably pretty general all over Georgia. I would hope that a new Department would help eliminate paperwork, but to just create a new Department alone is not going to do it.

Tell us in your view how a new Department might assist in that work.

Dr. TEAGUE. I think, first of all, Senator, we would be dealing only with educational matters. These people would only be concerned with education; and this should help eliminate a certain amount of paperwork. It would certainly be no guarantee, it is just by a new division or a new department.

Senator NUNN. It is going to take a lot more followthrough. You are saying, if we had a new department, there would be more concentration, and you believe that this would result in better administration and that in itself will at least improve the possibility of reducing paperwork.

Dr. TEAGUE. It certainly should.

Senator NUNN. Is my assessment correct—that paperwork is increasing now, not decreasing?

Dr. TEAGUE. Yes, sir, it is my concern that every time someone wants to eliminate paperwork, they create more paperwork by trying to eliminate it.

Senator NUNN. I agree that is the experience.

Dr. TEAGUE. By establishment of a Department of Education, the Congress would assure that only one agency at the Federal level would be responsible for providing leadership in the area of national priority.

This Department would help to assure that congressional intent was carried out and that programs at local, State, and National level were reviewed by auditors who have direct knowledge in setting national priorities and congressional intent.

This would provide great efficiency in controlling wide spending of tax funds.

Mr. Chairman, I feel the most valid reason for a Cabinet-level Department of Education is because education is and should be one of the highest priorities of our Nation. Educational policy should be set at community level, by local boards of education, and determine priorities for the students served by their schools. It is important that all levels of government help to support the priorities established at the community level.

The Founding Fathers of our Nation recognized the importance of education and all Presidents, from Washington and Jefferson to President Carter have supported education as essential to the progress and prosperity to this Nation.

Our very first President, George Washington, emphasized the importance of education and welfare to the fledgling United States of America when he said:

> Remote then as objects of primary importance are institutions for the general diffusion of knowledge. In proportion as destructive government gives force to public opinion, it is essential that public opinion should be in line.

Another President, Woodrow Wilson, who had been a schoolteacher himself, had this to say about the necessity of strong support of education:

> Without proper education, no government which rests on popular action can long endure. The people must be schooled in the knowledge and if possible in the virtues upon which the maintenance and success of free institutions depend.

All of our Presidents have made similar expressions of their strong support to education.

The low degree of importance given to education in the present Federal organization structure does not accurately reflect the importance of education to the American people and to the Nation.

Recent public opinion polls have indicated education continues to be one of our greatest and most basic concerns. In addition, United States is one of only seven countries in the world which does not have a ministry or a public administration of education programs.

We have seen other Cabinet-level departments established because of crisis situations which arise. Our plea is for you to take the initiative and establish a Cabinet-level Department of Education before a crisis in the American education would arise and cause a mandated office.

The fact that you and the members of this committee are conducting this hearing and considering the issues is indicative that you agree with us that education should be one of the highest priorities of our Federal Government.

We ask you to establish a Cabinet-level Department of Education, because there is a need for education to receive the high national priority it deserves, and because all of us agree that the people of the United States deserve the very best possible education which all of us can provide, whether it is at the National, State, or local level.

Thank you.

Senator NUNN. Thank you, Dr. Teague.

Ms. Goldsmith, do you want to add anything to that?

Ms. GOLDSMITH. On behalf of NASBE, Mr. Chairman, I would like to call particular attention to a couple of items that are mentioned in the prepared testimony.

Particularly we are concerned about coordination because we do not believe it is happening now.

I will pick up the testimony on the bottom of pages 3 and 4.

Solutions to our most pressing educational problems could be achieved in a more efficient and effective way through a coordinated Federal education policy developed by the President and the Secretary of Education. At present, the Commissioner of Education, in whom the responsibility for implementing congressional intent is vested, must report through several administrative layers within HEW before his recomendations reach the President. The present structure makes it difficult for those in the Government who deal with education problems on a daily basis to establish a coherent policy and administer programs effectively because of delays in the approval process and inconsistencies in direction.

We are particularly concerned, of course, with the individual studies, when particular people have a problem, that is, health, and nowhere to go. In our State we have a county level health person, and we have a State level person, and we come to the Federal level, we have to go through a maze of bureaucracy. We would hope that we could at least solve this problem with education and have our own Cabinet position.

We will go on to say—that State and educational officials firmly believe that a separate department is needed to provide direction and coordination to the educational activities scattered across the Government. At present there are more than 300 Federal education programs located in more than 40 different agencies. In my own State we deal with——

Senator **Nunn**. On that point, let me ask you this—Commissioner Bell, and I discussed this about 2 years ago in our Permanent Subcommittee on Investigations. We were looking into the student loan program which was permeated by fraud. His testimony then, basically, was that nobody can run an agency—and he can speak for himself later this morning—which has that many separate programs. I may be misquoting Commissioner Bell, but I think it was accurate to interpret his position that it is just not manageable.

We have some good representation here. Now, when is the education community going to get together and come up with some kind of plan to cut down the number of Federal programs? Everytime anybody in Congress comes up with a proposal, you get one part of the educatiton community supporting it and another part opposing it. I think, everybody in education would agree that there are too many programs, but I have not seen the education community get together and tell us what we ought to do to cut down the number of programs.

Maybe I ought to ask this question of Mr. Ryor, also but maybe he does not agree that we have got too many Federal programs.

I am just going to say to you frankly that I support this proposal, but to create a new Department of Education is not going to eliminate any Federal programs per se. It is going to take some real work and followthrough on that point.

Ms. Goldsmith, let me ask you, and then I will ask Dr. Teague and Mr. Ryor.

Ms. **Goldsmith**. I would certainly have to agree that we have to consolidate programs. I would hope that in the reauthorization of ESEA some of that will happen. I know there has been testimony on that particular program.

I know personally from the State of Maryland, where I was a local board member, we are moving to consolidate educational programs with the cooperation of our local educational establishment. Of course, in Maryland we have only 24 school districts, which makes that problem a little bit different than it is in other States, so I would hesitate to speak for NASBE. But I think generally the educational community would agree that we do not need 300 programs, but we do need to know when we have a problem with our free school lunch program and our free school breakfast program, that we do not go to the Department of Agriculture—we go, in fact, to the Department of Education, and that ought to be handled at the Federal level. I think that is where we would like to go.

Senator NUNN. Thank you.

Dr. Teague, do you want to respond to that?

Dr. TEAGUE. Senator, I would say that the fact that you have the education family here today agreeing on this Cabinet level position may be your best answer. Representatives at this table today are factions that are seldom together on educational issues.

Senator NUNN. I have noticed that in my 5 years in the Senate. [Laughter.]

Dr. TEAGUE. Just perhaps if we are successful in this endeavor it might encourage us to work strongly together to eliminate some of these agencies.

Senator NUNN. Thank you.

Mr. Ryor?

Mr. RYOR. Senator, as to the question of whether we need 300 programs or not, I think until there is some rational means of administering an education program at the national level, it is going to be impossible to make the judgments that are necessary to either eliminate or add programs. I think one of the major, one of the underlying reasons for the establishment of such a department is to create a mechanism whereby we can make those judgments.

Senator NUNN. You are saying that does not exist today. We have got to have a foundation that is different in order to really think about logically consolidating.

Mr. RYOR. I believe that to be absolutely true.

Senator NUNN. I would hope that no one who is supporting this proposal comes to any kind of conclusion that improvements are going to be automatic. It is going to take a lot of work after a new department is created. I completely support it, but it is going to take a lot of work, and I would hope that the education forces could really get together. If you cannot agree on one option, at least come up with various options that you think are worthy of consideration by Congress. We really need your guidance. No one here has the time nor the expertise to really cope with this problem in a manner that you people here at this table and others that you represent do.

Ms. Baisinger?

Ms. BAISINGER. Should I comment on that question?

Senator NUNN. Either way—if you would like to comment or if any other panelist would like to comment on that before you start you may, and then you can go ahead with your statement.

Ms. BAISINGER. I think I would like to comment on that on behalf of the National PTA, speaking from the parents' point of view.

There can never be too many programs until all of the special needs of all of our special children are met. I think the problems that we have found exist because these special programs have been administered by different departments and agencies of the Government.

Senator **Nunn**. Well, we have had testimony that even if you had them all in one department, there would be no way to administer them properly simply because there are too many narrow categorical programs.

Ms. **Baisinger**. Well, there may be some room for some consolidation. Again, speaking on behalf of the children and the parents of these children, I would want to say that there are still some special needs of children that have to be met, and the only way is through categorical programs. Ultimately, when there is total acceptance on the part of all levels in Government, local, State, and Federal, of the goals of the program, perhaps we can move to broader consolidation.

Senator **Nunn**. Well, there is one thing that I know is a fact. Maybe 300 programs can be administered by the Department of Education and maybe they are needed, but I know Congress cannot give oversight to 300 separate programs. In fact we cannot even count them, and I doubt very seriously if there is anyone who could name them—any one person.

Go ahead.

Ms. **Baisinger**. I am Grace Baisinger, president of the National Congress of Parents and Teachers. I am very pleased to appear before this committee to express the National PTA's support for the creation of a cabinet-level Department of Education. I would like also, Mr. Chairman, to commend you for your consistent and effective leadership in the establishment of such a Department.

The interest of the PTA in a Department of Education is not a recent development. In 1922, the PTA Board of Managers supported the Sterling-Reed bill for a cabinet-level Department and worked for its passage. PTA interest and support for similar bills continued for two decades during which the PTA played a leading public role in the effort for a Department of Education. In 1969 the National PTA, assessing the need for coherent and effective leadership amid the proliferation of Federal educational programs, renewed its vigorous support for the establishment of a cabinet-level Department of Education in its legislative program which was ratified by its State congresses. We have 52 State PTA's—50 States plus the District of Columbia, and the European Congress of American Parents, Teachers and Students.

Senator **Nunn**. What is that latter European——

Ms. **Baisinger**. That is the DOD schools.

Senator **Nunn**. I see.

Ms. **Baisinger**. I could respond here to questions raised earlier and to the statement that DOD should be included in this proposed cabinet.

I remember in working with the parents over there in PTSA in Europe on problems of education, that they were very much in favor of having the House Education Committee assume jurisdiction over DOD. As you recall, there was authorizing legislation that this would be done, but jurisdiction had not been asserted by the chairman of the committee or the committee itself.

Senator **Nunn**. You said European—what about DOD schools that are non-European?

Ms. BAISINGER. Well, there are DOD schools in the Pacific—we do have some PTA units there, unfortunately not as many nor as vocal, but I believe I speak for them, too, because I have not heard of any dissension from this point of view.

Senator NUNN. Thank you.

Ms. BAISINGER. There are a number of cogent reasons for the establishment of a Department of Education. Many of these will be raised before this committee in testimony by other education associations. I would like to emphasize to you today the reasons for which the National PTA feels such great interest in this matter.

The education of their children is perhaps the greatest concern of parents and demands a great deal of their planning and attention. We are not convinced that education can assume its proper place among the concerns of the President or his administration as long as it is within the Department of Health, Education, and Welfare. The problem is not simply that the manifold concerns of so vast a department as HEW are beyond the planning and administrative capabilities of one man. The Health and Welfare budgets dwarf the level of Federal expenditures in education and demand a commensurate share of the Secretary's attention. In addition, their budgets are for the most part uncontrollable or entitled expenditures. They have been committed, while funds for education are every year largely a matter of debate and political judgment.

The administration, moreover, is engaged in a major welfare reform effort and confronted with the issues of medical care reform and national health insurance. While we hope for a timely resolution of these important issues, we expect that their resolution will mean more extensive Federal commitments in health and welfare, and greater demands on the Secretary. At the same time, the linking of such vastly disproportionate Federal efforts in the Department of Health, Education, and Welfare creates a public misperception of the cost and extent of the Federal effort in education, which is in fact and in law quite limited. The establishment of a separate Department of Education is the necessary and best assurance that the education of the Nation's children will receive the planning and attention of a national priority, of the greatest importance in its own right.

The PTA has long endorsed the concept of the local control of education and continues its support of this concept. The Federal role in education, however, has assumed increasing importance since the passage in 1965 of the Elementary and Secondary Education Act. The nature and extent of Federal involvement in education has changed with time since then. Far from being an obstacle to the local control of education, the National PTA feels that the establishment of a Department of Education would aid in the clear definition of the Federal effort in education and in the successful cooperation of the Federal, State, and local education agencies in their appropriate roles.

One result of the fragmentary and often poorly coordinated nature of Federal involvement in education is that the Federal Government has to achieve its legislated goals often through regulation rather than through effective leadership. The establishment of a Department of Education would provide the opportunity for assessing and redesigning the array of Federal programs to generate a coherent Federal strategy in education. It would make possible the long-range planning that is necessary to give order to the Federal role in education. The greater visibility and authority of a Secretary of Education would allow the Federal education effort to rest on positive leadership rather than on prescriptive regulation.

Parents and citizens around the country want to know who is responsible for the Federal or State or local programs which impact their children's or their own lives. The National PTA is committed to insuring the responsiveness of the institutions which affect the lives of children and youth. The establishment of a Department of Education would make clear the lines of Federal responsibility and authority in the educational effort. It would make it more possible for parents, educators, and other citizens to assess the Federal leadership in education and to make it more fully responsive to their needs.

The national PTA is interested in the development of the whole child. We recognize, of course, that the development of the child is affected not simply by education but by many programs related to health, welfare, and a range of other concerns, many of which are dealt with in other Federal agencies. We are aware also that often parents or educators have very similar concerns as persons involved in walfare or in health. By proposing the establishment of a Department of Education, we in no way mean to narrow our own interest or to suggest that there should not be the fullest cooperation at the Federal level among agencies interested in the whole child or at the local level among parents and among agencies dealing with other aspects of the child's development. We are concerned that education be accorded the status at the Federal level that will allow it effectively to coordinate its efforts with those of the much more extensive welfare and health programs, as well as with other agencies. We think that the establishment of a Department of Education at the Federal level will bring a sense of balance and perspective which will also facilitate the cooperation and coordination of efforts at the local level necessary to insure the full development of the child.

Mr. Chairman, the generation of children that we are now educating will make the 21st century. It is they and their children who will live in that future. Our educational systems have a grave responsibility to prepare them for an age about which our only certainty is that it holds great change. We do not think that the establishment of a Department of Education at the Cabinet level will in itself insure that education performs the functions that it should and as well as it should. However, we do think that the establishment of a Cabinet level Department of Education is an essential vehicle to bring to sustained public and Government attention critical educational issues which require immediate attention, and to assure the effective and positive leadership that is required for the future.

Thank you, Mr. Chairman.

Senator NUNN. Thank you, Ms. Baisinger.

One of the things we often hear these days, and I do not know how much validity there is to it, is that parents simply do not participate in the school systems as they did 10 or 20 years ago back in the "good ole days."

When I was coming along, the PTA was very, very active in the small school in middle Georgia that I attended.

How do you assess the involvement of parents today in schools as compared to, say, 10 or 20 years ago?

Ms. BAISINGER. I think it is greater. I think it is a myth that parents are not involved. Because, frankly, now we have a generation of parents who were the children of the 1950's and the 1960's, and we do know that the children of the 1960's were great activists. For a time they rejected authority and established order, but we see them now coming back, and as I travel about the country—in fact, I just came back on the "red eye special" from California—I see and hear a great demand on the part of young parents to be involved and share in decisionmaking, share decisionmaking about school policies. Now, I am sure that some of our educational supporters do not always want this kind of shared decisionmaking and also some parents, too, are not ready for it, but I think both groups are going through a growing and learning process and we see a resurgence of real and meaningful involvement in education on the part of parents. I see a good day coming.

Senator NUNN. That is encouraging.

Would you say that parental involvement has increased in the last 4 or 5 years? In other words, could you make a distinction between 1977 and 1967?

Ms. BAISINGER. Yes; I think it has increased in the last 2 years. It began to change in about 1973 for us in PTA when we amended our own bylaws to say that we shall seek to participate in the decisionmaking processes which establish school policy. Up to that time, our own bylaws stated that we shall seek to work with the schools and cooperate with the schools. This was often interpreted to mean that we shall support without question any policy and that we shall limit our support to a certain kind of effort in the schools.

Senator NUNN. How does your membership now compare to, say, 10 years ago?

Ms. BAISINGER. Well, we have lost membership in the last 10 years. We have lost it for many reasons. Consolidation of schools, the dropping of school populations, the flight from the public schools because of lack of confidence, because of integration, because of busing orders; but again, last year we had the lowest percentage lost we have had in 10 years. We feel very confident that our membership will begin to increase, despite the fact that the population of the public schools is decreasing because of the declining birth rate and because of consolidation of schools. We are organized within school buildings, so when schools are consolidated, that does hurt the number of units and even the number of parents' groups.

Senator NUNN. Is this a nationwide trend? Do you have some States that would be an exception to this?

Ms. BAISINGER. We had 18 States that had an increase in membership last year.

Senator NUNN. How did Georgia fare, do you know?

Ms. BAISINGER. Well, I should have looked it up. Had I known you were going to be sitting here, I would have done that.

Senator NUNN. Could you furnish us some statistics that would just basically trace your membership? Please don't compile anything that is not already available.

Ms. BAISINGER. I will try to.

[The information requested and subsequently supplied follows:]

NATIONAL CONGRESS OF PARENTS AND TEACHERS

National Office

700 North Rush Street
Chicago, Illinois 60611
(312) 787-0977

[illegible] FH 1977

October 28, 1977

The Honorable Sam Nunn
Room 110
Russell Senate Office Building
Washington, D. C.

Dear Senator Nunn:

Grace Baisinger has asked me to respond to your request at the hearings of the Governmental Affairs Committee for information regarding the membership of the National Congress of Parents and Teachers and of the Georgia Parent-Teacher Association.

The state of Georgia in 1976-77 had a total PTA membership of 207,304 organized into 835 local units. The Georgia PTA is under the very able state leadership of Mrs. Hiram Mosley of Hopeville.

You will find enclosed the membership totals of National PTA from 1965 through 1977. As you can see, the National PTA has experienced for some years a substantial decline in its membership, which parallels several developments in elementary and secondary education. The most notable of these has been the consolidation of school districts and the implementation of desegregation plans involving busing. The effect of consolidation has been to eliminate a great many PTA units attached to local schools; while consolidation does not result in a net decrease of students or parents, it removes the local school as a focus of community life and increases the difficulties which parents may encounter in participating in school activity. Desegregation plans which have required busing over significant distances, or simply out of a particular neighborhood, have had similar effects. The decline in school enrollments has also had a marked effect on membership, especially since that decline is more pronounced in the elementary grades, which have traditionally been centers of parent and PTA activity.

Mrs. Baisinger commented during the hearing on a factor in PTA membership which we believe to be significant for all parents. In 1971, Title I of the Elementary and Secondary Education Act was amended to include mandated parent advisory groups, to insure the direct representation of low-income families; in 1974 advisory councils were required for each school building. Since 1971 many other federal programs have mandated such advisory councils. The law requires that a new parent group be established whenever a council is mandated.

Federal legislation in effect prohibits an existing and functioning parent group such as the local PTA unit or council from fulfilling the functions of parent representation in such cases.

A National PTA policy statement was proposed on this matter and approved by its 1977 convention and by the National Board of Directors, and is presently being ratified by the state PTA congresses:

> To permit existing schoolwide support groups, which meet other legislative criteria, to function as federally mandated school councils.

The proliferation of parent councils tends to replicate at the local school many of the problems of coordination and effectiveness which exist at the federal level. School administrators have too many groups to monitor, and encourage the mandated group to be the sole parent group. Parents and teachers find it difficult to keep up with the many councils advising superintendents, principals, and boards of education, while PTA's are relegated to fund-raising and hospitality functions. The many aspects of a child's development and of parent concern become artificially separated, rather than gaining from the comprehensive and organized approach of a schoolwide support group.

We are not proposing that PTA necessarily be the approved advisory group, but simply that the legislation permit existing schoolwide groups which meet appropriate criteria to function in that role. We believe this proposal to be wholly consistent with the intent of Congress in mandating advisory groups to insure parent representation. We wish to insure that there are adequate vehicles in the local schools for comprehensive and continuing parent representation.

The 1977 figure on the enclosed sheet represents an arresting of the decline in membership, but does not adequately reflect the vitality of a developing organization. The PTA has recently had considerable national impact in its efforts to curb gratuitous television violence. It has deepened public understanding of issues affecting the family, child nutrition, and the education of handicapped children as well as of more strictly educational issues such as the creation of a Department of Education. Today's parents are an activist generation who want increasing involvement in determining their children's well-being and educational fate. We are confident that the PTA will play an increasing role in helping them meet that end.

Let me take this opportunity to thank you for your efforts toward the creation of a Department of Education. You are performing an important service to Georgia and to the nation.

If this office can be of further assistance, please let me know.

Sincerely yours,

David G. Stratman

David G. Stratman
Director of Governmental Relations

Enc.

MEMBERSHIP TOTALS OF

NATIONAL CONGRESS OF PARENTS AND TEACHERS

YEAR ENDING MARCH 31	NUMBER OF MEMBERS	% GAIN OR (LOSS) OVER PRIOR YEAR	% GAIN OR (LOSS) OVER PRIOR YEAR
1967	11,029,396	(680,721)	(5.8)
1968	10,738,541	(290,885)	(2.6)
1969	10,249,740	(488,801)	(4.6)
1970	9,681,209	(568,531)	(5.6)
1971	9,210,911	(470,298)	(4.9)
1972	8,590,622	(620,289)	(6.7)
1973	8,236,649	(353,973)	(4.1)
1974	7,658,014	(578,635)	(7.0)
1975	7,057,030	(600,984)	(7.85)
1976	6,620,764	(436,266)	(6.2)
1977	6,403,854	(216,910)	(3.3)

Senator **Nunn**. Do you have any competition, or do you dominate the field of parental involvement in schools? I am not asking you for the purpose of referring you to the Justice Department.

Ms. **Baisinger**. Mr. Chairman, I am so glad you asked that question. The Federal Government and State legislatures have given us some competition. I do not think they intended to do that. The competition is the federally mandated school council. The national PTA now is circulating among the State congresses a policy statement which proposes to have Federal legislation amended so that where councils are mandated, particularly title I, that existing schoolwide support groups which meet other legislative criteria could be considered the council. In other words, why establish a new parent group every time new legislation is enacted by Congress and signed into law by the President. We have found that this is creating a great deal of difficulty for school administrators who now have to work with many groups. We have often found that these councils are not particularly effective in many cases, due to the selection process of these council members.

Senator **Nunn**. Do you get any kind of funding from any governmental source?

Ms. **Baisinger**. We have had some contracts—we have a contract with NIAA for an alcohol education project, we have a contract from HEW and the Bureau of Health for a comprehensive community school health education project, and we have had a grant from the Office of Education to survey the state of the knowledge among our membership and the public in general about the process of collective bargaining and labor relations as they impact on education.

Senator **Nunn**. Thank you very much, Ms. Baisinger.

Ms. **Baisinger**. Thank you.

I will get that information to you.

Senator **Nunn**. Do not compile anything—just what is available.

Ms. **Baisinger**. And remember, come to the PTA Convention in Atlanta in June. I will be sure to send you a special invitation.

Senator **Nunn**. I may be attending in Maryland, too, that is where my children go to school.

Mr. Davis?

Mr. **Davis**. Thank you.

My name is Will Davis. I am president of the National School Boards Association, and a local board member from Austin, Tex. I also serve as cochairman of the Citizens Committee for a Cabinet Department of Education. In these capacities, I am very pleased to have this opportunity to testify before the committee concerning the creation of a separate Department of Education. The National School Boards Association is the only major educational organization representing school board members—who are in some areas called school committee members or school trustees. Throughout the Nation, approximately 80,000 of these individuals are association members. These people, in turn, are responsible for the education of more than 95 percent of the Nation's public school children.

Currently marking its 39th year of service, NSBA is a State school boards association, with direct local school board affiliates, constituted to strengthen local lay control of education and to work for the improvement of education. Most of these school board members are elected public officials. Accordingly, they are politically accountable to their constituents for both education policy and fiscal management. As essentially lay unsalaried individuals, school board members are in a rather unique position of being able to judge legislative programs purely on the standpoint of public education, without consideration to any personal professional interest.

Association policy is determined at the NSBA annual convention at which representatives from across the Nation translate policies and resolutions into ongoing programs—including legislative recommendations.

Mr. Chairman, NSBA applauds the support which you and members of this committee have given to the creation of a separate cabinet-level Department of Education. School boards view departmental status as essential to any Federal effort which truly emphasizes the emerging needs of American education and school management. Our testimony today will (1) justify education as a Federal priority, (2) present the case for a separate department, and (3) respond to the concerns raised by critics.

Currently the Nation's public schools are educating over 44 million youngsters. Further our public colleges and universities enroll another 9 million people. Combined, these institutions provide over 5 million jobs and expend over $91 billion annually. Typically, the public school system is the largest business within local areas and is the center for community activities. As such, among all governmental services, education is the biggest and touches more families on a continuing basis than any other public service.

Yet, despite the nationwide priority given to our public schools, the Federal Government contributes only 7 percent to the costs. Further, much of this assistance, such as the economic stimulus program, is not directed at public education per se, but at utilizing school systems as vehicles for fulfilling other national goals. More importantly, in terms of moral leadership, education is not given significant attention by Federal officials.

In light of the financial difficulties besetting many State and local governments, high cost national goals, such as civil rights mandates, the growing scope and complexity of intergovernmental finance, and the broad range of service demands which the public places on the schools, the current Federal commitment must be expanded.

Under the current organizational structure, education is grouped together with the unrelated functions of Health and Welfare. The scope of HEW's responsibilities embrace the management of hundreds of large grant and trust fund programs. Within that context, there is a limit to which the Secretary of HEW can concentrate on education priorities in terms of negotiations at the Presidential, cabinet, or OMB levels. Likewise, the same limitation attaches to the Secretary's understanding himself of education issues, access to the world of education, and to his overall capacity to provide national educational leadership.

At the same time, despite commitment, a Commissioner of Education or an Assistant Secretary of Education does not have the stature or access required to bring about significant response in Presidential policy or cooperative endeavors among Federal departments.

In short, a Secretary of Education with (1) close access to the White House, (2) high stature within the Congress, and (3) the attention of the mass media, can better represent the needs of education than either a Secretary with multiple responsibilities or an executive with subcabinet ranking.

Currently, the formulation and administration of education programs is highly fragmented. Almost as much financial responsibility for Federal education programs rests with other agencies as that which resides within the Education Division. For example, the Department of Agriculture operates a school feeding program, the Department of Interior operates Indian schools, the Department of Labor operates various training programs, and the Department of Defense operates on-base programs. On the enforcement side, the Office for Civil Rights is, yes, within HEW, but not within the Education Division. If coordinated within one Department, Federal education programs would cover a broad range of responsibilities and provide services to a very significant portion of our population. Compared to other departments, the current $20 billion Federal expenditure level on education more than justifies departmental status.

One question which has been raised is whether a subcabinet Department, such as the Department of Defense model, would adequately meet the needs of education. That approach should be rejected on several grounds. First, subcabinet status will not serve the most important reasons for changing the current organizational format, that is upgraded national leadership and Federal commitment. Second, to the extent that any major education program is not transferred to the subcabinet, such as Department of Labor programs, coordination between agencies would be most effective on the departmental level. Third, as well managed as a subcabinet may be, because of higher departmental clearances, procedures, independent policy reviews, et cetera, other management concerns and time factors are introduced which can detract from the efficient administration of these programs. Fourth, unlike the Department of Defense model, a subcabinet within HEW—or worse yet within a Department of Human Resources—has little commonality with other department programs.

Opponents of a separate Department of Education have argued that departmental status will erode local school board control of education. As the foremost proponent of local control of education, the National School Board Association does not believe that that charge can be substantiated. Indeed, under a Department of Education, we would expect that Federal policy would be made pursuant to a well articulated sense of the Federal role in education commensurate with a clear understanding of the uniqueness of and requirement for local control of education.

Currently there is no well defined approach to education from department to department, and a lack of appreciation for the significance of local policymaking in educational matters.

Ironically, the greatest Federal incursions into local decisionmaking have been by agencies outside of the Office of Education. To no small measure these decisions were probably made out of either a lack of understanding of a proper relationship between the Federal and local roles or a primary Federal mission which is not directed at local school management, and a lack of understanding of the need for coordination for other programs in the school.

Senator NUNN. Mr. Davis, could you give us an example of that? I was going to ask you whether you felt that a new Department might nationalize education. I think you have answered that question, but what kind of Federal incursions are you talking about outside of the Department of Education?

Mr. DAVIS. Well, first there are matters dealing with the Labor Department on their manpower retraining programs—we think that their primary mission, of course, is *manpower retraining*, and their mission is not primarily aimed at the schools, but they do not have an understanding or appreciation for school specifically the need for coordinating those programs with other programs going on in the public school system.

Senator NUNN. How would the new Department of Education address itself to that problem?

Mr. DAVIS. Well, sir, as the other witnesses have said, when you bring a coordinated effort into one department, one department is charged with the responsibility of being responsible for all education, then they can coordinate within that department any of the programs which are placed there, and they gain an appreciation for the various roles of either the Federal, State, or local governments dealing with education. They can bring to bear on each of the Federal officials and each division within that Department a rather clear-cut understanding of the various roles. When you have responsibilities dispersed and diffused among many different departments, there is no single person charged with responsibility of coordinating those various factions. It just seems to us that we did testify before Congressman Perkins' Committee about 2 weeks—when you extend ESEA and perhaps we can do away with many of the categorical programs that perhaps can be more general aid in education, many of the programs can be consolidated. We testified there that the Department of Education was a needed necessity to do the proper job in education.

Senator NUNN. Do you think that the manpower and training programs in the Labor Department now should or should not be included under the new Department of Education?

Mr. DAVIS. We have not said specifically——

Senator NUNN. I am speaking of the education related manpower training programs.

Mr. DAVIS. Yes, sir, I understand.

We have not said so specifically in our statement, but I would agree with Mr. Ryor, that these that are education related and should be within the Department.

Senator NUNN. Thank you.

Mr. DAVIS. Because of the high level of visibility and accountability associated with departmental status, we anticipate an actual reduction of control by bureaucratic fiat—especially in instance of regulations which exceed senatorial intent.

Perhaps the control question can be responded to by example from other agencies. That is, would HUD controls over public housing have been markedly different under a sub-Cabinet organizational model?

Opponents of separating education from HEW argue that school systems would become removed from Federal health and welfare services. Simply stated, school systems do not seek involvements in the areas of health welfare. To the extent that the need for those services are indicated, school systems will refer cases over to the appropriate agency. Within the confines of State law and the context of their responsibilities, school systems have little or no contact with Federal health and welfare programs.

The case for reducing Federal bureaucracy is not a valid reason for opposing a Department of Education. The purpose of Federal domestic assistance is to do the best job possible for meeting national priorities—not to fit programs into particular management models. In this regard, if we accept the upgrading of education as a national priority, then does it make sense to maintain the sub-Cabinet Office of Education model which was established over 100 years ago—or to place it at a lower status than the several departments that were added since then? If too many departments is an item of overriding concern, then perhaps a consolidation of other agencies is desirable. Indeed, a review of agency status by national priority is the kind of streamlining effort which can parallel zero based budgeting and sunset legislation.

Mr. Chairman, education is the cornerstone to national development and individual opportunity. The current organizational structure for education cannot adequately provide the Federal priority which is required. We urge that you and the members of this committee report favorably on S. 991.

Senator NUNN. Thank you very much, Mr. Davis.

Mr. Dick?

Mr. DICK. Thank you, Mr. Chairman and distinguished educators here today.

I am Frank Dick, immediate past president of the American Association of School Administrators and currently superintendent of schools in Toledo, Ohio.

Mr. Chairman, I would like to enter into the record my prepared statement and not read it to you today. I would like to talk with you.

Senator NUNN. That will be fine. We will put your complete statement in the record, without objection.

Mr. DICK. Thank you very much.

I guess you could call me one of the people out in the trenches. I have been a school superintendent for 29 years. I currently head a school system in one of the major cities in America. This is my 13th year as superintendent of schools in Toledo, Ohio, and we have 52,000 children in our schools.

I would like to talk to you about the sense of the immediacy of the local situation, but also about the importance of the national scope, so we can get some direction in American education.

Possibly you have heard—our school system is going to close its doors on October 28 and remain closed until January 3. Children totaling 52,000 will be without education in the city of Toledo. This disturbs me. But also having been president of the American Association of School Administrators and after talking with hundreds of dedicated school leaders, there is a real sense of need of leadership for American education.

I support the concept of this bill as indicated in our testimony, but from a personal standpoint I think the greatest thing we need in American education today is leadership, leadership for direction in American education.

Now it is very complex out in the field. The complexities of the mandated programs along with the attitude of the public are making it extremely difficult for leadership to come at the local level.

Yes; I guess we are frustrated. We are frustrated, Senator, because we know there is a need for a change, a change in direction.

Now, as my good friend an colleague, Will Davis, has said, I think the eroding of local decisionmaking has almost become a landslide; and as this landslide accelerates, it is creating immense problems at the local level.

Senator Nunn. Do you think there is a relationship between more and more decisionmaking moving up the ladder to the State or the Federal level, from the local level, and the increased reluctance of others to finance education at the local level through bond issues? Is there a relationship?

Mr. Dick. Yes; I think parents and the public are very, very confused. They are confused on one hand with the mandates of the legislatures and courts, and on the other hand with the fact that they see slipping away from them the decisions that used to be made at the local level.

One thing historical about American education is that we started with a little one-room country schoolhouse, where the local people had a great determination in the type of activities of their educational programs. Some of this could be returned. Yet on the other hand, complexity in the fact that certain things are mandated and must be done, even though they may be good in the long run.

I am saying what we need is a Cabinet-level post where an individual can exert the type of leadership that will give direction to American education, because we do not have that direction now, as you so aptly pointed out. The educational problem itself is so diverse that we have not been able to draw ourselves together.

So looking down the road, I support this concept, out of a sense of urgency at the moment in my own personal life.

Senator Nunn. You think that the creation of a new Department of Education at the Cabinet level will help draw the diverse elements of education together on more issues than they are together now?

Mr. Dick. I think it could very definitely, because of the prestige and the ultimate direction of that Cabinet-level position, I think there would be more authority, more direction, and more acceptance of the community.

I thank the committee for considering this bill, and if any other information comes to the American Association of School Administrators, we would be pleased to submit it.

Senator Nunn. Thank you, sir.

I have heard a little bit about your problems in Toledo, but what is the primary cause for closing the system?

Mr. Dick. In our State it is necessary to increase local revenue by going directly to the electorate, the general public for a direct vote. We are one of the few States where you do that. The people throughout our State are rejecting direct votes for increased budgeting of property tax. There is a great deal of anti-property-tax sentiment, and we find some 40 school districts in Ohio on the verge of closing. Next year, the number will probably exceed 40.

Senator Nunn. Am I correct in saying that you believe that frustration is, at least to some degree, related to the erosion of decisionmaking from the local level, whether it be by State government, by Federal court decisions, or by Federal administrative decisions?

Mr. DICK. Yes. I am out with the people. In fact, I will meet a large group of citizens tonight at 8 o'clock, and invariably the questions will come in hard and clear—why do we have to do this? Why must we do that? Why did this bill pass? They take those frustrations with them into the polling place. That is the only direct method whereby the public has a chance to express its true feelings—at a local school election. This is causing great havoc not only in Toledo, but in the entire State of Ohio.

Senator NUNN. So it is not just resistance to taxes, it is an outlet for other frustrations, too?

Mr. DICK. I think it is a combination.

Senator NUNN. Thank you all for appearing. Senator Ribicoff has just come from solving the Nation's energy problems, I am sure. [Laughter.]

Senator Ribicoff, the panel before us all agree on the Department of Education. They support it rather vigorously, and I told them I would hope that the unanimous opinion presented here would be transferred to other efforts in the field of education to insure a unified educational community. You may want to ask some questions before we go to our next panel.

Chairman RIBICOFF. First, my apology to all of you who have given your time on what I consider a most important proposal. Unfortunately, there is no way you can figure out Senate schedules and obligations.

When we set these hearings we were assured that we would have reported out the energy tax bill by October 4. So I thought it was rather safe to set these hearings for this period, as I was very anxious to participate. I now find that we are in the middle of the energy tax proposals without a solution. It has been absolutely essential for me to be there.

Now, the President has called a conference for early this afternoon on the problems of American steel, and I am chairman of the Subcommittee on International Trade, so my apologies for not being able to be in three places at one time. I am very grateful to Senator Nunn, who is such a valuable, hard-working member of this committee, for taking over today. I will read your testimony. I am grateful to you. I express the appreciation of some 55 Senators cosponsoring this bill, and all those interested in education. I have said repeatedly that organization is policy. We can pass any program and could come forward with many ideas and principles, but if we are not organized to deliver on them, they are meaningless.

That is why it is so important that we have an organization to deliver these thoughts, ideas, and policies on education. My gratitude to each and every one of you again. Although I do have other comments, I did want to come up here from the Finance Committee to express my appreciation and to welcome the next panel.

Thank you very much.

Senator NUNN. Thank you.

We will ask any of you who wants to submit other statements for the record to do so. We will leave the record open as we consider this, and I think everyone realizes that it will be next year before Congress will have any opportunity to really act on this proposal. We will welcome any additional comments as we move through this legislative process.

I thank all of you for appearing.

[The prepared statements of Dr. Teague and Mr. Dick follow:]

PREPARED STATEMENT OF DR. WAYNE TEAGUE, MEMBER, COMMITTEE OF LEGISLATION, COUNCIL OF CHIEF STATE SCHOOL OFFICERS, AND STATE SUPERINTENDENT OF EDUCATION, STATE OF ALABAMA, ON BEHALF OF THE COUNCIL OF CHIEF STATE SCHOOL OFFICERS AND THE NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION

Mr. Chairman, members of the Committee: I am here on behalf of the Council of Chief State School Officers (CCSSO), whose members include the commissioners and superintendents of education from the fifty states and six extra-state jurisdictions. I am also appearing today on behalf of the National Association of State Boards of Education, an organization representing the state boards of education in fifty-two of the states and extra-state jurisdictions. We appreciate this opportunity to express our support for the establishment of a Cabinet-level Department of Education. We applaud the Committee for its sponsorship of S. 991 and join with you in the belief that the creation of such a department can be a vehicle for improving the quality of Federal assistance to education.

The Congress, the President, members of the education community, and the American people recognize that the present structure of the Department of Health, Education and Welfare has proven inadequate to the task. In order to educate and prepare children for a complex, fast-changing society, the Federal educational institution must be strong and its important role of providing leadership, developing national educational policy, and insuring effective enforcement of equal educational opportunity in this country must be recognized.

The Federal involvement in education grew out of overwhelming needs which declining state resources cannot meet. However, the size and scope of these programs have continued to expand since the passage of the Elementary and Secondary Education Act of 1965 without a clear definition of the appropriate Federal role in education. State and local education officials believe that the lack of clear national goals has created a major roadblock to a continued effective working relationship among all levels. In many cases, such as the implementation of Public Law 94–142, the Education of All Handicapped Children Act, requirements in laws and regulations run counter to state administrative laws and structures which ahve proven to be efficient in delivering educational services to children. Anything less than a Cabinet-level Department of Education will not force that definition nor require the enunciation of clear and appropriate national policies to meet our shared commitment to quality education for all citizens.

Since its creation in 1953, the Department of Health, Education and Welfare has grown too large for the Secretary to give education matters the attention and leadership they deserve. In 14 years, the total HEW budget has increased from approximately $2 billion to $160 billion in fiscal year 1978. Because of the overwhelming growth of Health and Welfare programs, Education is subject to unfair considerations in the HEW budget. The principal uncontrollable elements of the HEW budget—Social Security, Medicare, Medicaid and Public Assistance—command over 90 percent of the total. In response to budgetary pressures to hold down expenditures for HEW, Education invariably bears the brunt of keeping the lid on spending. Looking to the future, a program of National Health Insurance would add significant dollars and responsibility to the HEW Secretary's position.

Since education commands the smallest portion of the total budget, it will continue to take a back seat in the attention of the Secretary.

For example, since January 1977, HEW has not submitted a single piece of education legislation to the Congress for its consideration. In the same nine month period, however, the Congress has handled seven bills in this vital area. Moreover, the Elementary and Secondary Education Act is scheduled for reauthorization in the next few months. Hearings are being held in both the House and the Senate and the Administration has been urged to make recommendations for improvement of this comprehensive program. Yet, HEW is still in the process of developing its policy and suggestions for the future of ESEA. We believe that this situation illustrates that education is not located now in a favorable organizational setting to receive the degree of leadership attention from the Secretary of HEW that is required. An overwhelming proportion of the Secretary's time is devoted to other matters and the Commissioner of Education, who is responsible for administering education programs, cannot act independently to exert such leadership.

Solutions to our most pressing educational problems could be achieved in a more effective and efficient way through a coordinated Federal education policy developed by the President and the Secretary of Education. At present, the Commissioner of Education, in whom the responsibility for implementing Congressional intent is vested, must report through several administrative layers wthin HEW before his recommendations reach the President. The present structure makes it difficult for those in the government who deal with education problems on a daily basis to establish a coherent policy and administer programs effectively because of delays in the approval process and inconsistencies in direction.

The implementation of Federal policy in education would be more efficient if Congress could call upon one person for the Administration's point of view. In dealing with authorizing and appropriating legislation, the Secretary would be on hand to answer swiftly and responsibly all questions raised.

State and local education officials firmly believe that a separate department also is needed to provide direction and coordination to the educational activities scattered across the government. At present there are more than 300 Federal education programs located in more than 40 different agencies. In many cases, such as the arts programs administered by the Office of Education and the National Endowment for the Arts, the resulting duplication, overlaps and inconsistency in program direction hinder the effective delivery of educational services. For example, the recently authorized youth unemployment and training programs are admiinstered by the Department of Labor (DOL) and funds are allocated from DOL through its regional offices to prime sponsors. Although 22 percent of the funds are earmarked for conducting inschool progams, there has been little coordination on the part of HEW in the development of regulations for this component of the program.

This situation holds true for the public works program administered by the Economic Development Administration and which directly involves school construction and renovation. Also, the veteran's education programs, administered by the Veteran's Administration, have little or no contact with the higher education and student financial aid programs in the Office of Education. It is clear that education needs a high-level spokesperson to ensure that education programs in all agencies are coordinated and to promote education sensitivity government-wide. The Federal Interagency Committee on Education was an attempt to coordinate education programs, its needs stronger policy leadership to effectively achieve its purpose. For example, there is a need for greater cooperation between the education and employment sectors of our society; yet, representatives of the DOL youth training programs are not members of the Interagency Committee. Clearly, as a focal point for education at the highest levels of government, the Secretary would insure that there would be less duplication, better administration and a more systematic approach to educational problems.

Reorganization has been recognized as a viable solution to these problems and several alternatives have been proposed. The reorganization models, other than the proposed Department of Education, however, have been developed to met the concerns about Federal education programs on an individual basis. While this approach may treat the symptoms temporarily, the much larger problem is overlooked. The key question is whether the present institutional inertia can be overcome with small structural changes and scattered solutions to individual concerns.

Clearly education needs a more visible and prestigious spokesperson who would reflect the high national priority of education, and its impact on society. The $10.3 billion education budget in HEW for FY 1978 represents more dollars than the budgets for the Departments of State, Interior, Commerce and Justice, as well as the new Department of Energy, all of which are separate Cabinet-level departments. Moreover, education represents the nation's largest fiscal commitment, when local, state and Federal resources are combined, and directly involves some 65 million Americans.

Some would argue that Health, Education and Welfare programs are administered appropriately by one secretary because of their equal and related social benefits. These three program areas seldom come together in the field, however and there marriage has no relation to the child in the classroom. A Cabinet-level department would solve the problem of education entering into interagency battles with Health and Welfare programs that are of equal importance to the well being of the nation. A Cabinet officer knowledgeable about education programs and problems, could devote his/her attention on a full-time basis to fulfilling national goals in concert with state and local education officials.

We believe that this concept would help reduce paperwork burden, ease state administrations of Federal programs, contribute to more realistic Federal program deadlines, coordinate Federal, state and local budget timetables, and ultimately benefit the child in the classroom.

Thank you for this opportunity to present our views.

PREPARED STATEMENT ON BEHALF OF THE AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS, SUBMITTED BY FRANK DICK, IMMEDIATE PAST PRESIDENT, AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS AND SUPERINTENDENT OF SCHOOLS, TOLEDO, OHIO

Mr. Chairman, I am Frank Dick, Immediate Past President of the American Association of School Administrators (AASA) and Superintendent of Schools for Toledo, Ohio.

We appreciate the opportunity to appear before your committee to present our comments on legislation to create a separate Cabinet-level Department of Education. AASA strongly urges that education be elevated to cabinet status and that an experienced professional educator be appointed to the position of Secretary of Education. At its 1977 Delegate Assembly, representing nearly 20,000 school administrators, AASA reaffirmed its position urging "establishment of a position of Secretary of Education at cabinet rank, and that the appointee be an experienced professional educator."

The federal role in education has increased dramatically in the last decade. Actions of the Congress and the courts, primarily in the area of civil rights, have sharply changed this involvement from federal financing of grants and entitlements to mandated intervention. Financial burdens have thus been placed upon schools already besieged by inflation, escalating energy costs, and reluctant voter support. We do not believe a separate Department of Education should or would diminish community involvement and control at the local level. Rather, we believe it would enhance it by giving cohesive leadership to the important task of educating our young people. American education needs a single visible entity to exert and provide federal support. We do not believe the current federal structure can adequately meet these needs.

At a time when society looks to educational institutions to integrate its races, increase economic opportunities for the disadvantaged, and to assure full access to life's benefits for the handicapped, neither education nor the nation can afford a governmental structure which sends conflicting, confusing, duplicating, and often frustrating services to professional educators.

We should note that education legislation gives rather unique authority to the Commissioner of Education which is not provided to other agencies. It is that authority which rightfully should be vested in a Secretary of Education to assist those holding national educational leadership positions to bring sorely needed assistance to educators.

Only a Department of Education, cleanly and sharply defined, can bring the federal education role into focus:

Only then will education have its own voice to speak to the public and to bring counsel to the President.

Only then can the United States be represented at international meetings by someone of equal stature to his counterparts and reflect the status America purports to hold for education.

Only then will education have an identifiable entity to which other federal agencies may readily relate.

Only then will education efforts be funded separately and its functions be clearly accountable.

A Department of Education can bring a vital federal role out from under the weight of health and welfare. It can become responsive to education's needs by:

1. Establishing a clearinghouse to assure uniform and minimal data requests from schools; e.g., on criteria for pupil count;

2. Using a zero-based budgeting approach to assess the contribution of each division's function;

3. Expanding effective programs such as the National Diffusion Network to encompass broader successful procedures; i.e., extending the Migrant Data Bank System for all pupils;

4. Providing an opportunity to equalize the federal grant competition between local school districts. There are 16,338 school districts in the United States. Of these, the 14,300 with five thousand students or less are denied opportunities for many specialized federal grants because they lack the resources or information on how to apply for them. A coordinated effort at the federal level could equalize those opportunities;

5. Carefully monitoring the extent of federal involvement in curriculum design;

6. Assuring that federal educational research has pragmatic use and that its findings are promptly made available to practitioners;

7. Continuing internal staff development which is needed and can best be achieved with central coordination. It is important that staff be kept appraised of new movements and developments in the field. One example of this is the development of regional education service agencies. Twenty-six states have implemented some form of regionalism. The regional educational service agency provides the only means by which certain student programs in small school districts can be established;

8. Bringing under one jurisdiction those federal functions that are primarily educational and best served by one department; and

9. Establishing permanent liaison positions with established channels of communication with other federal agencies; e.g., national educators must be involved in energy crisis decisions such as school closings.

Education is our nation's second largest fiscal commitment. It is an industry entrusted with the nation's most valuable resources—its young people—and, consequently, with the nation's future. The demands on education have never been greater or the call for effective national leadership more challenging.

Mr. Chairman, we respectfully request that your committee consider favorably the legislation before you and that the committee take early action to move toward creation of a Cobinet-level Department of Education.

Thank you for your consideration. We would be happy to respond to questions from you or other committee members.

Senator NUNN. Our next panel is composed of six former U.S. Commissioners of Education. I will ask you to come forward as I call your name—Dr. Terrel Bell, commissioner of high education, State of Utah; Dr. Samuel Brownell, professor emeritus, Yale University; Mr. Harold Howe II, vice president for education, the Ford Foundation; Mr. Francis Keppel, director for the program on education, Aspen Institute for Humanistic Studies; Dr. Sidney Marland, president, College Entrance Examination Board; Dr. Sterling McMurrin, dean, Graduate School, University of Utah.

Unless you have a particular order in which you would like to proceed, we will just start with Dr. Bell, on the far right and work our way across the table.

Dr. Bell served as Commissioner of Education from June of 1974 to August of 1976.

Chairman RIBICOFF. Mr. Chairman, so that I can go back to the Finance Committee, could I make a few comments, and then ask one question that I would like each one of these gentlemen to answer?

Senator NUNN. Certainly.

Chairman RIBICOFF. I would say that every President and every Secretary of HEW has taken special pride in trying to find the finest educator throughout this Nation to be Commissioner of Education.

I remember when President Kennedy designated me to be Secretary of HEW. He specifically said, I want to make sure the man you pick for Commissioner of Education is an outstanding educator, a man of character and basic philosophy. I want to do something about education.

I think every President and every Secretary of HEW have had that philosophy. Invariably in looking across this table every man picked by a President on the recommendation of the Secretary of HEW has been of outstanding ability, background, and character. And every man, every one of you whom I know personally, has been deeply committed to doing something for education. You recognize the value of education in American society. Yet from 1965 to 1977, a period of 12 years, there have been 13 different men serving in the Office of Education. It appears to be a revolving door that turns rapidly, which means that there must be something in that office or the HEW organization that leads to great disappointment, great disillusionment or great frustration.

Now, I am just curious. From your various personal experiences, what is there about the Office of Education, the Commissionership of Education, that causes men of such commitment and such character to stay such a short time. To me that is the key issue. If we find this out, we might understand what in the Department of Education should be different. In my study there is not another nation in the entire world that puts together the constituencies of health, education and welfare in one ministry. Practically every country in the world rates education to such a high degree that there is a central figure responsible for the educational policies, direction, and implementation throughout the nation. So, if I may hear your answers before I get back to the Finance Committee. I am very anxious to have an answer to that question from all of you gentlemen. We can start with Dr. Bell.

Dr. Bell. Yes, Senator Ribicoff. I am, I guess, the most recent refugee from the commissionership out of this panel, so maybe it is appropriate that I speak first.

I would say that based upon my own experiences that first of all and maybe only speaking half seriously, the Commissioner is an executive level 5 in the Government structure, and in HEW that is one of the lowest forms of human life, if I can express it kiddingly, but also to make a point.

You have the responsibility, and I talked with Senator Nunn, before the hearing started. I was before him as a witness on the guaranteed student loan program. I left this hearing, Senator Nunn, determined that I was going to implement some of the decisions that there was a consensus at those long hearings that we would do. And I simply felt I had the responsibility for doing that, but I did not have the authority. I did not have the clout, in that huge organization.

I do not fault any Secretary in that regard. He has to have the kind of structure he has to function, but you cannot directly make the changes, promulgate the different actions that had to be taken in our rules to shape up that guaranteed loan program, and I use that as an example. You come to the job and you are soon disillusioned with it.

I would say, Senator Ribicoff, that I served in the Office of Education as Deputy Commissioner, and then came back as Commissioner, and during that time I served under four Secretaries, and in my 2-[illegible] term as Commissioner I served under two Secretaries—so turnove[illegible] not just in the Commissionership, but I would say that you would get at the heart of the biggest problem with your bill, that the

Chief Education Officer would have standing and would be able to implement the policies and the positions that he wanted to take. Right now, by the time you get through all of the Assistant Secretaries and get the decisions made, and if you win on the Secretary level, then you do not have direct access to OMB, and you also do not have the opportunity to appeal to the Oval Office, OMB decision. The Secretary of HEW can only appeal to the Oval Office so many times, and then he starts losing his credibility and he uses all of that up on higher priorities such as: income maintenance problems, welfare reform, national health insurance, all of these biggies in his realm and so education is down the line quite a bit.

I would also say, Senator, that 2½ percent of the people that work in HEW work for Education and 97½ percent work for Health and Welfare. Now that notwithstanding 3 out of every 10 people in the United States are involved in education and we spend over $140 billion in education. Your proposed bill would not create a small department. It would be one of the largest—not the largest, but it would be a middle size department in the Federal structure. But all of this leads, I think, to some of the frustration and disillusionment that comes to anyone that sits in the Commissioner's chair, and that not withstanding I would say serving as U.S. Commissioner of Education from my point of view was a splendid misery and I am glad that I had the opportunity.

Senator Nunn. May I add one other question that each one of you could answer as you go along. How many times do you recall meeting directly with the President concerning education matters?

Dr. Bell. Yes, I can respond. I never had the opportunity to meet directly with President Nixon except when I was appointed.

I had an opportunity to meet directly with President Ford on four different occasions, two of them were more ceremonial in nature. On one occasion I persuaded Secretary Matthews to escalate to the Oval Office a budget decision that OMB had made that I thought was unjust and unenlightened, and in that instance, when we finally did escalate one to the Oval Office, we won with President Ford. He overturned his OMB Director. But that was my experience in 2 years, notwithstanding it is difficult sometimes to get an audience with the Secretary—not that he does not care about education—he is just enormously, extremely busy, and it is hard to get to him to get your views expressed.

Dr. Brownell. Mr. Chairman, I guess I am the other end of the line. I was the first Commissioner of Education under HEW back in 1953 to 1956 when the Office of Education was brought in, in the Department.

In experience, I was there for about 3 years. I left because Detroit offered me twice as much money as I was getting at that time in the commissionership. Secondly, during that period of time as Commissioner I became so much concerned with the problems of the large cities and their significance that when I had the opportunity to get in and take some firsthand action, I felt the challenge and I wanted to do it.

As far as status is concerned, I think I would recognize that tremendous change has taken place. When I went, as I stated in my comments, the Secretary said to me when she asked me to come down here, "I want you to be Mr. Education in HEW." All during the time that I was there, if there were questions in policy or practices in regard to education, they were always referred to the Office of Education and the Commissioner. If it was a matter of the White House or if it was a matter of OMB or if it was a matter of anyplace, the Commissioner was called in. From the standpoint of status there was no question about that. As Senator Ribicoff raised the question, or I guess you did, as to the number of times that I had an opportunity to see directly the President—I had a very considerable number of times when I was called upon to personally consider things with the President.

I think in the growth and development of HEW and the changes that have taken place, there have been changes there. And I would say one other thing about this matter of term. When I left, Secretary Folsom, then it was, asked for any suggestions I had about the office. One of them was this matter of term and continuity as far as the Commissioner was concerned.

The uncertainty of term for people in the academic field means that if you come in from a university position, you usually can get a leave of absence for a couple of years. The majority of the people who are in education are not people who have independent fortunes, and their future in education is, therefore, very uncertain. Where do they go from the commissionership? I think that a matter of a term appointment is one of the things that might very well be considered for retaining some of the people who have agreed to come down for a term, making arrangements accordingly. I think that might make some difference. Certainly the matter of status is another one, the matter of protocol within this Government and their relationships with others.

Mr. Howe. Mr. Chairman, I am Harold Howe. In answer to your first question, I served in the commissionership for exactly 3 years—1966, 1967, and 1968. I left because President Nixon during the campaign made promises that he was going to fire me, and when he got elected, I decided to beat him to it and submitted my resignation effective December 31, 1968.

I do not agree with Sam Brownell, that the commissionership, or the chief U.S. position in education, should be a fixed-term position. I think it is sufficiently a policy position so that it should appropriately come and go with administrations, but I do think that the idea of raising the level of status of the chief U.S. officer in education is an important thing to do. It seems to me that it might have the effect you imply of bringing further continuity in that officership, whether it is at the Cabinet level or within HEW, but I think it would have additional important effect in bringing continuity to major appointments just under the chief officer. There has been considerable rotation and change in the assistant commissionerships, associate and deputy commissionerships, and one of the tough jobs of any commissioner and certainly one of mine was to persuade the best people to take those very important jobs at relatively low levels of Government appointment. So that raising the top level will make it easier to fill many, many important jobs.

In response to your second question or Senator Nunn's question—I really cannot remember how many times I saw the President of the United States. I served with President Johnson, and he was deeply and directly interested in and involved in education. He probably knew more about the details of the education laws than I did—really an extraordinary performance for a President. He rode pretty close herd on his Commissioner of Education and had within the White House a special assistant for purposes of education, Douglas Cater, so that the avenue from the commissionership to the Presidency was an easy and open one at the time that I served. The Commissioner has not always had easy access to the White House, and I think education benefits when he/she does.

Mr. **Keppel.** Mr. Chairman, I am Frank Keppel, and I served just before Harold Howe.

Let me first take up the question of seeing the President. I saw the President two or three times under President Kennedy, and more than that with President Johnson for the reasons that Mr. Howe just gave. It was, as you recall, as a very active legislative season between 1962 and 1966—which was my period of service.

I do not want to repeat what has been said before. There is one other point that might be relevant, Senator Ribicoff, and that is as this new legislation developed, relations between the Federal Government, the executive branch, and the States became more complicated.

I will argue later in my testimony that this is an important reason for having a Secretary at the Cabinet level in order to improve the Federal/State relations.

Dr. **Marland.** Senator, I will be brief. My name is Sidney Marland. I was Commissioner of Education and Assistant Secretary over a 3½-year period in the Nixon administration.

To answer Senator Nunn's question, I suppose I saw the President perhaps six or eight times, notably during the first administration of that particular period and very little in the second. I think that answers in part the other question—why the turnover.

I think that when the Administration at the top level either loses interest in education or finds other priorities that occupy it more deeply, the Commissioner of Education has very little advocacy in the system. This is not in any way to derogate the Secretary. I worked under Secretary Richardson, and I bow to no one in my admiration for him as a Secretary of HEW. He was spread so thinly for all of his vast competencies that he had very little time for day-to-day advocacy in education at the highest political level, and I think the frustrations that are implicit in that contribute to what you have questioned, Senator Ribicoff, namely, the turnover. One works as hard as he can in this post, and all of the people at this table, all of whom I know worked typically 16 or 18 hours a day nearly every day. And at some point the fulfillment that derives from that work gets thin unless there is a corresponding accomplishment of objectives. It is implicit in the work and the will of such individuals as may be commissioners of education to find satisfaction in facilitating visible improvements in education. If curbed by political or other ambiguities they find their satisfactions by moving on perhaps, after serving a respectable span of time.

Dr. **McMurrin.** I am Sterling McMurrin. I served as Commissioner of Education during the administration of President Kennedy and Secretary Ribicoff.

I must say, honestly, Secretary Ribicoff, if you may recall, that I resigned the commissionership because you left the Office of the Secretary to go to the Senate. I would not have resigned had you remained as Secretary. Thereafter, your successor, Secretary Celebrezze, almost convinced me that I should stay on as Commissioner, but by then my mind was set and I had agreed to return to my university.

I did not resign out of any sense of frustration. I must admit that there were frustrations. The level of one's frustration, I presume, is measured in terms of his expectations. And I faced the position as Commissioner with, I think, a strong and realistic sense that there were very real limitations on what could be achieved.

With respect to access to the administration—I must say that I always had immediate access to Secretary Ribicoff. At no time did I ever seek a session with him that I was unable to have fulfilled. I believe that I was in conversations with President Kennedy on matters of education on three different occasions.

I strongly support this bill because I believe that education deserves higher recognition in the eyes of the public and in the Government than it now enjoys. But I must say that as Commissioner of Education, at no time did I feel that within the Department of Health, Education, and Welfare, the Office of the Commissioner lacked status. I think it did lack status in the eyes of the public generally, somewhat in the opinion of the press, and in those days it was not very well known among educators. But under Secretary Ribicoff, the Office of Education was given very high status and recognition and, I felt, a high priority in the Department of Health, Education and Welfare.

Chairman RIBICOFF. Thank you very much.

Before I go back to Finance, I wonder if we could take just a one-minute recess so I could go down and say hello to each one of the gentlemen individually.

Senator NUNN. Mr. Chairman, I will give that strong consideration and let you know in just a minute. [Laughter.]

Go right ahead.

[At which time there was a short recess.]

TESTIMONY OF DR. TERREL H. BELL, COMMISSIONER OF HIGHER EDUCATION, STATE OF UTAH, DR. SIDNEY P. MARLAND, PRESIDENT, COLLEGE ENTRANCE EXAMINATION BOARD; HAROLD HOWE II, VICE PRESIDENT FOR EDUCATION, THE FORD FOUNDATION; FRANCIS KEPPEL, DIRECTOR FOR THE PROGRAM ON EDUCATION, ASPEN INSTITUTE FOR HUMANISTIC STUDIES; DR. STERLING M. McMURRIN, DEAN, GRADUATE SCHOOL, UNIVERSITY OF UTAH; AND DR. SAMUEL M. BROWNELL, PROFESSOR EMERITUS, YALE UNIVERSITY—A PANEL

Senator NUNN. I just want to say—Senator Ribicoff has left—I do not think that education has a better friend in Congress than Abe Ribicoff. With Senator Ribicoff as chairman of this Committee on Governmental Affairs, and his deep interest and experience in the field of education and in the administration of HEW, I believe this particular piece of legislation has the best sponsorship it could possibly have in Senator Ribicoff. I think for that reason we are all indebted to him and his leadership in this regard.

Why don't we start back with Dr. Bell, and if we have covered parts of your testimony, I would suggest that perhaps you skip those parts so we can go ahead as expeditiously as possible.

Dr. BELL. Mr. Chairman, if it is all right with you, I will not read my testimony. I will just make four points.

Senator NUNN. Your complete testimony will be made part of the record without objection.

Dr. BELL. I support very heartily this bill for some of the reasons that I mentioned before.

I should emphasize that I think that education is becoming more and more a national priority as well as a State and local one, and I find more and more that education policy is being formulated by the Congress of the United States. It is now one of the chief policymaking bodies in education, and that was not so back at the time when HEW was created and education was given its place.

The matter of providing equality of opportunity—the realization of the purposes and aims that we have for the people of our country make education just essential. And for this reason, I think education is going to become increasingly a national as well as a State and Federal concern. Notwithstanding the fact that some of us are less enthused about it than others, I think we are going to find that policy formulated more and more on the national level. If that be so, and I argue that it is so, then the chief education officer in the U.S. Government ought to have access to OMB and to the Oval Office, and that is not easy to do at the present time. It is extremely difficult in fact. So I make that as my point, Mr. Chairman, of the four that I want to make.

The testimony has already been heard, and I will not go into more about the enormous size of HEW and its complexity. I would just point out for emphasis that HEW is so large that the E part of HEW is relatively small, notwithstanding the point that I made during the comments to Senator Ribicoff that 2½ percent of the employees in that big department are education employees and between 6 and 7 percent of the budget is the education budget. This makes it such a small part of the whole, that it does not get the importance and the attention that it ought to have. It is not that anyone thinks that education is unimportant, but these other matters keep crowding in. All of this notwithstanding the fact that there would be two or three departments, currently existing departments, that would be smaller than the proposed department that is supposed to be created here.

So I think access to the decisionmakers and a voice in the decisions that are being made by the chief education officer is as strong an argument as I could think of in favor of this bill. And education just does not occupy the amount of time and attention that it ought to have. No HEW Secretary, regardless of his commitment, is going to find the time to do this. Because of that, many of the decisionmaking actions during the time that I served were delegated to Assistant Secretaries. In fact there were four Assistant Secretaries. The Comptroller, the Assistant Secretary for Legislation, Assistant Secretary for Administration and Planning which the bureaucracy—incidentally that C. L. A. P. euphemistically referred to as the "claptrap" when they were talking about problems in getting decisions made. I do not want to denigrate these offices in referring to that, but to get decisions through these four Assistant Secretaries and on to where they had to be was a source of extreme frustration to me. I say just the nature and the size of HEW has made a mechanism like the claptrap necessary, and because of that our decisions were delayed and many actions that were crying for attention did not get taken.

For example, Mr. Chairman, many of the outcomes in the hearings that we had, on the student loan program, were not cleared through the decisionmaking structure at the time I left the Office of Education a little more than 1 year ago.

A third point that I would make quickly in looking at my watch and wanting to conserve time here, is that I think a Department of Education would be more responsive to the needs of schools and colleges. It would be more cognizant of the governing structure that we have in American education at the present time. And because of that I would not argue that possibly we would see a massive reduction in redtape. I am not that optimistic, but I think we would have less unenlightened redtape, that we would have less unenlightened decisionmaking, and there would be a better chance for education, education in the Federal structure, to listen to the field and hopefully to be responsive to it as well as having better access to OMB and to the Domestic Council and to the Oval Office.

I cannot emphasize too much how important it is for any function in the Government structure to be able to relate to the Executive Office of the President, to the Domestic Council to the OMB structure where decisions are made on proposed legislation, and where decisions are made on levels of funding and on budget. And at the present time, the education structure in HEW just does not have good access there. You have to go through the enormous cumbersome structure of HEW to get there, and often when you want to appeal a decision, as I said before, the Secretary is reluctant to do it, because he has already escalated some other decision up to OMB or up to the head of the Domestic Council R. & D. into the Oval Office. So education gets under-represented, not that anyone intends it to be that way, but it is just a result of the situation. And the credit that is used up by the Secretary on other matters relates to this and the clout that you have got to have for education is not what it had ought to be.

Then my fourth and final point here. I found no need during the time that I served as Commissioner for coordination with H. & W. Indeed, Mr. Chairman, I feel education is misplaced in HEW, and if we were not to pass this bill and have a separate Department of Education, I would say there are strong and compelling reasons for education to be placed elsewhere than where it is.

During the time I served as Commissioner and in the previous time I served as Acting Commissioner and Deputy Commissioner, I cannot recall an instance when I was called upon in staff meetings with the Secretary to coordinate my activities with the H & W part of HEW. On the contrary, I had constant occasion to relate to the Department of Labor because of our vocational education activities and what was going on with the manpower programs or CETA, as we now call them.

I also had constant occasion to relate to Agriculture, because of the education activities going on there, the school food service programs, and so on, and considerable need to relate to the Department of Defense, particularly with the impact aid legislation that was passed and requirements related to that while I was in office, and also because of the Department of Defense oversees schools.

Senator **Nunn**. You basically had more cross-coordination between Defense Department, Agriculture Department, and Labor Department than you did with Health and Welfare within your agency?

Dr. **Bell**. Yes, Mr. Chairman, I did. And that is why I argue that education is misplaced in HEW, and with Treasury and Justice related to student aid programs, and the fixing of loan rates and so on, I also had more occasion and with the Veterans' Administration.

And so I think those that argue that we ought to keep the E in HEW for coordination purposes, are making an argument and creating a situation that never existed while I was there.

Senator **Nunn**. Dr. Bell, you are not suggesting that we put the Department of Education in the Department of Agriculture are you?

Dr. **Bell**. I would say that it would make as much sense as where it is located now, Mr. Chairman. [Laughter.]

Senator **Nunn**. Thank you.

Dr. **Bell**. It would make more sense to be in Labor in my humble opinion than it would be to be in HEW.

Senator **Nunn**. I understand. I was just being facetious, but I think that is a well-taken point.

Dr. **Bell**. My response was partially facetious, obviously.

Well, in conclusion, I would say, that I think for the benefit not only of education, but for the benefit of the Department of HEW that this bill ought to be passed. I think it is the most important legislation, the most significant matter that is going to be considered during the decade of the 1970's as far as education is concerned. I want to offer my support along with the many others, and express my thanks, Mr. Chairman, for the opportunity that I have had and your invitation to come here and testify. Thank you very much.

Senator **Nunn**. Thank you, Dr. Bell.

I am going to amend the order here if it meets the approval of the panel and hear you in chronological order according to the dates that you served as Commissioner.

Dr. Bell served from June of 1974 to August of 1976, and I believe that Dr. Marland would be next from 1970 through 1972. I will work back chronologically along that line.

Dr. Marland?

Dr. **Marland**. Thank you, Mr. Chairman.

I will stick to my brief script and be ready for cross-examination if you wish.

Any reasonable person in America, and certainly those in the profession of education, would agree with the intent and the persuasive language of S. 991. As an educator for some 40 years, both in and out of Government, I have held to the need for a separate Department of Education. But, having served as the Government's chief executive officer for education for about 3½ years and two titles, I am mindful of the enormous problems that lie between what is and what should be. I shall not elaborate them here, for I am sure you are aware of the deeply embedded patterns of human and bureaucratic customs and folklore that will resist the wrenching effects of S. 991.

Given the foregoing expression of warm support, combined with realistic misgivings as to a smooth and bloodless implementation of the act, I offer the folowing suggestions:

1. There should be a Deputy or Under Secretary for Elementary

and Secondary Education and a corresponding Deputy or Under Secretary for Higher and Continuing Education. All of the cited Assistant Secretary roles in the bill as it now stands are of a staff nature. The actual administration of the multitude of programs referred to earlier this morning with more to follow calls for a prominent line authority or authorities, implicit in the two titles cited above.

2. The bill gives only tangential attention to research, yet the Federal function in education, for reason of critical mass, should afford a very high prominence to the research and development domain. This is sufficiently important in my judgment to warrant an Assistant Secretary for Research and Development in addition to those cited in the bill.

3. While the bill courageously identifies in section 7 a number of activities and agencies to be assembled in the new Department, it is, perhaps consciously, silent on Department of Labor programs in education. In my own experience in Washington, of all agencies engaged in education apart from HEW, the most ambiguous and redundant issues derived from OE/DOL relationships. Perhaps the authors of the bill have judiciously deferred this tender topic to the authority of section 8—namely, the President's discretion. However, for the bill truly to comprehend all relevant Federal education activities, it should at the start include the appropriate DOL programs and not leave them to a dubious future negotiation. Without them, to me, the bill lacks credibility.

Senator NUNN. Are you very much in favor of taking the functions in the Department of Labor that are education related and putting them in this new Department?

Dr. MARLAND. Precisely so, Senator, even as one would do in the case of the much less educationally oriented features that would come out of the Department of Agriculture, namely, food services.

Senator NUNN. Does anyone else from the panel want to comment on this one way or the other, before we continue?

Dr. BELL. I favor that, Senator Nunn. I agree, with that wholeheartedly. We constantly had crossover problems and there is an awkwardness there also out in the schools that ought to be corrected.

Mr. HOWE. I would observe that the contest between Labor and HEW over programs is a long and honorable one on both sides. I engaged in it with Willard Wirtz over the Neighborhood Youth Corps, and I guess I feel that if a Federal Department of Education is created, the school-related programs of the new youth employment legislation amounting to several hundred million dollars a year ought to be in a newly created Department of Education.

Senator NUNN. Thank you.

Mr. KEPPEL. Mr. Chairman, I would agree with what Mr. Howe said. That does seem to me the line that has to be drawn.

Senator NUNN. Dr. McMurrin?

Dr. MCMURRIN. I agree very much with that.

Senator NUNN. You agree with Dr. Marland's statement?

Dr. MCMURRIN. Yes, and I agree with Mr. Howe's statement. The point is that at times in the past the Department of Labor has been almost in danger of creating a second school system rather than effecting a careful integration of its program with the school system as it now exists.

Dr. BROWNELL. Mr. Chairman, in connection with the question that I raised about what programs should come into the Office of Education, this would certainly be pertinent. As I see it, this is one of the areas in which there is overlap and a reduction in efficiency of the program. There is a kind of relationship between the program on the rest of education that should be recognized, so I would support that.

Senator NUNN. Dr. Marland?

Dr. MARLAND. I will continue briefly, Mr. Chairman.

My fourth, then final point—fourth out of five points:

While the language of S. 991 is quite explicit in many parts, it remains only general in matters of facilities. Section 12 appears to address the day-to-day supplies and services for the support of the Department, but it is silent on space. I urge that explicit language be included to authorize the construction of a Department of Education Building. The high hopes expressed in the preamble for elevating the place of education in our national values would be given more substantive meaning through such a congressional directive. The present scattering of Education Division enterprises in a dozen or more locations in the District, where space is grudgingly afforded in buildings of other agencies or in rented nooks and crannies, is incompatible with the spirit of this bill. There would be no early likelihood of an appropriate Education Building in the foreseeable future unless Congress prescribes that there be one.

And finally, five, as a generality, you are aware, I am sure, of the danger of mere relabeling. To create a Department of Education without the genuine and necessarily unpopular assembly of appropriate parts would be an outcome less to be desired than the status quo.

I do congratulate the authors of this bill, you and your colleagues on the excellence and the timeliness of this initiative, and would do all that I could to assist in its realization.

Senator NUNN. Thank you very much.

Dr. Marland, one question—you have expressed concern in your present capacity with the problem of declining SAT scores, and are quite an expert in that field. I would like to explore that at depth with you, but really I will ask just one question on this.

Do you see any relationship between that general decline and the present situation as far as the structure of the Federal Department of Education?

Dr. MARLAND. The answer that I should give would be longer than you have time to hear, Senator.

I would simply say, and this is much abbreviated, that our American educational system and its place of priority in the values of Americans is still very, very high. The attention that has been drawn to the decline in the SAT scores as a national phenomenon has caused grave concern among our people. To the extent that the values placed upon education appear to be derogated at the Federal level through lack of centralness, and lack of the authority of singular leadership, there is an implication in the public response to the score decline, an affirmative indication that through this bill you would be responding to the concerns of the people. I would not say that the appointment of a Secretary would correct the declining SAT scores.

Senator NUNN. Right.

Well, if you could list them, what reasons would you assign for the decline in the SAT scores? Could you give us a brief synopsis?

Dr. MARLAND. It will be again inadequately brief I am afraid, Senator. This is a very complicated subject, but our evidence does show as was cited earlier this morning in testimony, I believe, offered by one of the association representatives, there has been a vast social movement over the last 12 years. This movement, created largely by Congress, has consciously brought a whole new set of learners into higher education. My business in the college board is to facilitate the access of all kinds of people to college from secondary schools. The fact is that now, by design, a very large population, people who 10 or 15 years ago would have had no aspiration or expectation for college, are now there. And that has brought into the testing universe large numbers of people with inadequate preparation as compared with their peers of 10 or 15 years ago. This has accounted, in our judgment, for roughly one-half of the decline. And if the decline, let us use round terms is 40 points on a 200 to 800 scale, 20 of those points are accounted for by a different population being tested.

The other 20 points are less easily examined and they derive, we believe, from a variety of different forces which I will not attempt to cite in detail here. There has been a convergence of several different forces attaching to education: The convergence of a different kind of family life for many young people; the convergence of different values held by the young; the convergence of an increased devotion to television with thousands of hours of television time per year preempting what might have been reading and thinking and writing time for students; the convergence of reduced competition for college admissions, all of these forces and others, we believe contribute to the decline. We have considerable documentation in 24 research studies to illustrate a number of the features which have contributed to the remainder of decline apart from the changed population. I am happy to say that this past year the decline was inconsequential.

There was no decline statistically in the young people concluding their testing as of last June. We are now of course starting a new year. We hope that we may have bottomed out. It is too early to declare that.

Senator NUNN. Thank you very much, Dr. Marland.

I will ask Mr. Harold Howe to proceed next.

Mr. HOWE. Mr. Chairman, I should observe that between Sid Marland and me, Jim Allen served as Commissioner and Assistant Secretary, and he would be a real contributor to this conversation were it not for an unfortunate airplane accident. We all remember him with affection.

I will not read my testimony, but simply summarize it very briefly. I assume it will be entered into the record.

Senator NUNN. We will put all of the testimony in the record without objection.

Mr. HOWE. I believe that there needs to be a major upgrading of the educational functions in the Federal Government. Also, we require much greater emphasis on coordinating mechanisms that really work as opposed to those that do not work, which seem to me to be in existence now. And I believe that there needs to be within the Federal establishment in some appropriate way and with some insulation from both the Congress and the Presidency a capacity to give long-range thinking to goals in American education and other long-term issues.

In saying these things I think that ultimately there should be some form of Federal Department of Education. I am expressing some reservation because I want to be certain that we do not rush into a particular formulation which denies us the benefit of really good planning about such a new agency. In my formal testimony I present the possibility that there could be interim arrangements for upgrading education within HEW while the whole business of the formulation of a Federal department of some sort is getting further consideration. Also, I mention several studies of particular interest to the field of higher education, the study of the Carnegie Council and the study of the American Council on Education that ought to get though and attention as this process goes forward.

In regard to a possible Cabinet-level Department of Education, I hope that some consideration would be given to a rather broad formulation for that purpose. I mention in my written testimony a possible Department of Education and Human Development. Some of the agencies of HEW that are engaged in research on human development in the National Institutes of Health and perhaps other agencies are really concerned basically with the learning capabilities of people, and I believe that education itself is now being more and more thought about as a wide-ranging activity that takes place in other places besides schools and colleges—in the family, in the community, and before the TV set. I hope that kind of thinking about the new department would come into your purview.

Senator NUNN. What kind of existing governmental functions would you bring into such a restructured Department of Education and Human Development? In other words are these existing functions carried out in other departments or would you be speaking in terms of new dimensions?

Mr. HOWE. I am not an expert on all of the education related activities that exist throughout all departments of Government, but I do think that the National Institute of Child Health and Development and outfits of that sort now in HEW ought to be considered. I think we have already mentioned possibilities in the Labor Department. There are in other Government agencies activities that really ought to be transferred to a new Department of Education, but I have no prepared list of these nor have I tried to construct an ideal department. I am really trying to present the thought that serious consideration ought to be given to the breath of this proposed activity.

In specific comment on S. 991, I would concur with what several other people have said, that if that bill or something like it is enacted, I worry about the situation of higher education as the proposed administrative arrangements are now set up, or perhaps I should put it more broadly—postsecondary education. I would at least recommend a careful examination of an Assistant Secretaryship for children and youth and an Assistant Secretaryship for postsecondary education or something of that kind. I would also support what Sid Marland said about raising the status of research in that organization.

Just one other minor matter about S. 991. I am very interested in this inspectorate the past history of which was outlined earlier by Senator Nunn. I am not opposing it. I think it is probably a useful and important activity to place near the top of the organization, since it will emphasize making sure that things are done properly.

I guess I just feel that the kids in the schools and colleges and the teachers and the administrators in the schools and colleges in the country are about like the rest of us. They fall on the wrong side of the law once in a while but no more so than persons who are engaged with receiving the moneys that flow through the Federal Government for agriculture or defense contracting or other purposes.

Senator NUNN. Well, that is the point. We have Inspector Generals in those departments. But the department that did not have an Inspector General, HEW, was the one that has handled the most funds. Now one exists in HEW. So it is not a question of putting HEW in a different category. In fact, the statistics are almost shocking when we created the post of Inspector General. The Department of Agriculture had something like 500 percent more people inspecting the distribution of its funds and can, therefore, address ineffectiveness and fraud far greater than all of HEW. Yet the Department of Agriculture's budget was something like one-tenth as much.

Mr. HOWE. Well, I am just looking for equal emphasis throughout the Government on this one. I have no argument against it.

Senator NUNN. Well, the agency that was behind in this regard was HEW. HEW was not being used as a pilot project at this point, but it was far behind. I think Commissioner Bell would agree with that. I think the recent statistics on student loans also show that.

The point is that HEW now is redistributing huge sums of money, and I think this requires that it be administered in an effective way. But I am glad to hear your view on it.

Mr. HOWE. One final comment—with regard to the matter raised frequently in this hearing about the diversity of education and the failure of education to present a single consolidated view on a great variety of matters—I understand the problem both from the point of view of the administration and the point of view of the Congress. At the same time I have to say that I hope American education continues to be diverse, that it continues to disagree within itself, that its very broad spectrum of different types of institutions serving different purposes, differently sponsored by private and public agencies continues to be a significant characteristics of American education.

If you will examine what is now going on in some European countries, you will find that in countries where there have been highly centralized arrangements for governing education and in which there was one voice rather than many, they are now looking hard for ways to get the diversity we have, of which many of them are jealous.

Senator NUNN. Thank you. I will certainly agree with you on that.

Our next witness is Mr. Francis Keppel.

Mr. KEPPEL. Thank you, Mr. Chairman.

I will, if I may, just pick and choose from the testimony in order to avoid duplication.

There are three points that I would like to make. The first relates to the need for coordination of the education related activities in the Federal Government.

There is as you know an existing mechanism called the Federal Interagency Committee on Education in which the representative of HEW is in the Chair. As far as I can tell this mechanism is simply not adequate for such coordination. It only needs a Cabinet officer in the Chair to assure that the issues and the considerations demand top attention, but above all, it seems to me it needs a Cabinet officer whose entire attention is focused on educational policy. All of us who have served on and been Chairmen of the Federal Interagency Committee on Education are well aware of this problem.

The second point I would like to make has to do with the relations between the Federal and State governments. There is certainly very widespread dissatisfaction today. As Mr. Howe said, education is and I hope always will be highly decentralized, but the problem here involves the most effective relations of the Governors, State legislators, and educational leaders. It seems to me that the creation of a Cabinet officer would strengthen these efforts to solve the problems between the Federal Government and the States.

Cabinet status for education will put focus on these relationships and will provide high status positions within the Department to assure continuing attention to problems and opportunities of intergovernmental relations.

My third point is a suggestion with regard to the organization of the Cabinet department that takes place. I will go just one step further than Mr. Howe. it would seem to be wise to have two under secretaries—one for elementary-secondary education and another for post-secondary education. I think those two need to be put at the very highest level.

Thank you, sir.

Senator NUNN. Thank you, Mr. Keppel.

Our next witness will be Dr. Sterling McMurrin. He served in April 1961 to September of 1962.

Dr. McMURRIN. Thank you, Mr. Chairman.

I will not read my testimony as it is a little lengthy.

I fully support the basic essentials of this bill for the reasons that have been very clearly layed out by my colleagues and by the earlier panel.

I would like to make one or two comments, however, on such facets of the bill. I think it does very well by elementary and secondary education. This of course is the great bulk of education in our Nation. I refer to the kind of department that is described.

Actually higher education is involved inevitably in research activities which are not brought into full consideration in the Department as here described, and in my testimony I have suggested that consideration be given to the inclusion in the department of those elements of the National Institutes of Health and the National Science Foundation which are involved in the funding of academic research. As the bill now stands, the Department would, from the standpoint of higher education, be a rather truncated affair. Mr. Howe has already indicated that it would be well to bring some elements of the National Institutes of Health into the Department. I would suggest a consideration of the entire structure of the National Institutes of Health and the National Science Foundation.

What I am referring to, of course, would in effect be a Department of Education and Science, although I am not suggesting that it necessarily be named Education and Science.

At any rate I believe that it is impossible to extricate much of the research activity that goes on with Federal funding from the processes of education and therefore there should be more than an Assistant Secretary for Research, whom I presume would be involved in the direction of research on education itself. There should be some consideration given to the research activities scientific and other that take place in our universities and our other scientific institutions.

I would like to comment also on the matter of the provision for Inspector General. This bothers me a little simply because of the way it is described in the bill. It gives me the impression that it could be possible for the Inspector General to become a policymaker in the Department. I realize that that is not the intention of the bill. The problem is simply with spelling out his function in such extensive detail as appears in the bill. Though that may very well follow other precedents in the Government, it seems to be that it could create a problem between the Inspector General and the Secretary himself on the matter of jurisdiction.

Senator NUNN. We will be glad to take a look at that and take another look at the language.

The object of the Inspector General is really to separate him from the line of authority so that he does not have program responsibility.

Dr. MCMURRIN. Yes.

Senator NUNN. We felt, and I think there is a considerable amount of evidence to this effect in other governmental agencies that if you have the same person responsible for checking effectivness, efficiency, fraud, corruption and so forth, who is responsible for line authority as well, you have an inherently impossible situation.

So the intention is really to separate the Inspector General from any kind of line authority or any program responsibility except in an audit kind of capacity. So we will take another look at that.

Dr. MCMURRIN. I realize that is the intent.

My suggestion in my testimony is exactly what you have indicated. I am simply suggesting that it be gone over with a fine tooth comb. I am certain you will do that.

Senator NUNN. Thank you.

Dr. MCMURRIN. The matter of the Interagency Committee interests me. I think it is one of the best features of the bill. When Senator Ribicoff was Secretary of HEW, we undertook to create without legislation and without executive mandate an interagency education committee, and this indicated very clearly to me that the Commissioner of Education had actually more involvement with the Department of Labor and Department of State, NASA, the National Science Foundation, the National Institutes of Health, and even the Atomic Energy Commission than he had with typical elements of the Department of HEW. I think this is an extremely important thing. My suggestion in my testimony is not only that the Secretary be the Chairman of such a commission, as the bill indicates, but that there be provision in the bill to require the other members of the Commission to be very highly placed in their departments or in their own agencies. I think this is important for the success of this interagency Commission.

And one other thing that I believe has not been mentioned by my colleagues, the National Advisory Commission. I strongly support that element of the bill. I think it is tremendously important that the

Commission be created. Efforts were made to create a committee or a panel that would function roughly in this way when I was Commissioner but those efforts were frustrated, I think within the Government itself, within the Office of Education itself. I think it is an excellent thing to provide for such a commission within the legislation and under Presidential appointment as you have indicated in the bill.

Thank you, Mr. Chairman.

Senator NUNN. Thank you very much, Dr. McMurrin.

Dr. Brownell?

Dr. BROWNELL. Mr. Chairman, it is very tempting at this stage of the game to say, "me too," to most of what has been presented.

I have tried in my testimony and I have tried here to make only a few comments on the assumption that I shall deal with a point or two that I think have not been dealt with up to the present time.

I have tried to look at this bill from the point of view of not so much the structure entirely but as to what would be done under the structure—an important consideration. And obviously if you take a look at what is compared with what is proposed in the bill, as I have indicated in my testimony, I think the case looks very good for the bill. But I think also, as I have tried to point out, that other options ought to be considered in connection with a solution of the problems that are confronting the committee, and therefore I have operated on that assumption.

Now, one of the things that I would like to emphasize is the fact that education has historically been considered a State function in the United States, and I hope that it will continue to be a local and State function because I think the operations of learning of individuals raises many problems which can best be handled as close to where the learning takes place as possible. I think the diversity of needs and opportunities is one of the strong features of American education. And a tendency, of course, in centralization is to want to standardize for the purpose of accountability, get uniformity. Therefore, I would like to indicate my strong feeling that whatever reorganization takes place ought to strengthen State departments of education and ought to mean that those who conduct education at the local fields, in the local areas, realize that they are not serving two independent and frequently divergent masters.

One of the frustrations that I have found as city superintendent was the State department had its requirements, and the Federal Office of Education and other Federal agencies had their requirements, parallel but not identical, resulting in the proliferation of paperwork. We had several sets of people that we had to deal with resulting in inefficiencies that I think have not been overcome.

Therefore, I have made quite a point of the fact that I think one of the things that ought to be done is to make it clear in the definition of the functions of a Federal Department that—it is to work with and through and to strengthen the operations of State departments of education.

The second point I wanted to comment on has to do with several questions I have raised here in reference to what this Department might do in whatever form it might take. First, as to whether or not there are safeguards which limit the Federal education agency from usurping the State and local responsibilities. I would point out the

Federal Government is still very much the minor partner in reference to the financing of education. It quickly becomes a little irksome to local agencies of education to realize they are putting up most of the money, and having the requirements laid down by those who provide very much of a minority of the funds, without consultation. I think it is important to check any proposed organization to see that the Federal activities strengthen State and local agencies.

Second has to do with the question of the status of the chief Federal education official, and that has been dwelt on at some length.

The third has to do with a structure to provide a facilitating unified elementary, secondary, higher education level consideration and work on the problems that cut across all education levels.

Several suggestions have been made here about being certain research in higher education needs and activities were considered. I am very much in favor of that, but I would suggest the structure pointed out in the proposed S. 991 tends to freeze organization in that it indicates what the Assistant Secretaries should be. I think it would be preferable if it were to indicate that there should be so many Assistant Secretaries, if you please, but leave it open to what their functions should be in operations as they go on.

Senator NUNN. Are you saying we should give as much flexibility as possible within the law as to the Assistant Secretary's role?

Dr. BROWNELL. Yes. If you say you are going to limit to four Assistant Secretaries, all right. I am not sure four is the right number. I would not want to say one of them should be designated this and another one designated that in the bill. I think the matter of how they are designated, what their function should be ought to be in terms of the total structure of the Department as the functions are developed. It might change from time to time as to what your organization is. I would question the freezing of that pattern in the bill.

Then there is nothing in here about the service function of the Federal education agency in reference to other divisions other than the executive department of Government. But the legislative and the judicial divisions of the Federal Government call on the Office of Education or should call on whatever the Department is, for a considerable amount of service in regard to education. I think it ought to be recognized that the Office of Education performs that function. As I recall, even though it was a long time ago, the Office of Education was performing a great deal of service and having much of its time and energy utilized in appearing before legislative committees and providing information to the judicial branches of the Government. I think that ought to be recognized as a part of its function.

Then, I would like to see provisions made that would strengthen the incentive for sustained effort and continuity in educational activities, if they are going to be more than superficially effective.

We had a great deal of emphasis in the Office on innovation. I have no quarrel with that, but if innovation is to be effective in education, there must be some way of seeing that those innovations that are successful are tried out, that they are conducted over a period of time, that they are evaluated and they are sustained in their support. That may take years. If they must depend on the short-term appropriations, because the Office of Education or the Department of Education cannot make commitments 5 to 10 years on things that are carried on or that are introduced in the field of education, the national effort in education is always going to be superficial. I think that is a consideration far more important in education than it is in most any other field I can think of.

For example, if you are going to start to propose to change the curriculum in mathematics, you have to go through the process of working with higher education and elementary education, and secondary education, and with the training of teachers. That is going to take much more than just a year or two.

And, finally, I would mention whether there are appropriate provisions for the audit of Federal programs and funds. I think it is terribly important that in the relationship that exists between the Federal education agency and the local and State agencies that auditing be in such a way that it respects the authority and responsibilities of the State and local education agencies involved. The bringing in of Federal auditors, whether they are called Inspector Generals or what not, working so independently that the local and other officials feel they are being threatened is not going to create the kind of cooperation between the Federal Government and the agencies that carry on the enterprise that ought to exist. It may be that in the structure there needs to be some indication that that is the intent of this whole process, not just the sending of people to jail, but of cooperating with them and seeing that the operations are adequately and properly handled.

I think the rest of what I have in my testimony has to do with a few specifics and I think those can be covered by just leaving the testimony with you. I will be glad to answer any questions.

Senator NUNN. Thank you very much.

I know we are running out of time. We have gone a little longer than we anticipated. Your testimony has been very helpful. All of you I am sure realize, having dealt with the legislative process, that there is no danger of this bill passing and being signed into law tomorrow morning. You will have time to comment in the coming months and weeks. We will keep the record open and as we change the bill and take the constructive suggestions you and others have made, we would welcome your continuing contribution.

Thank you very much.

[Whereupon, the committee was adjourned at 12:43 p.m.]

[The prepared statements of and additional questions by Senator Ribicoff to Dr. Bell, Mr. Howe, Mr. Keppel, Dr. McMurrin, and Dr. Brownell follow:]

PREPARED STATEMENT OF TERRELL H. BELL, COMMISSIONER AND CHIEF EXECUTIVE OFFICER OF THE UTAH SYSTEM OF HIGHER EDUCATION

Mr. Chairman and Members of the Committee:

I appreciate this opportunity to testify before you on S. 991, the proposed legislation to create a U. S. Department of Education.

My name is Terrel H. Bell. I am currently serving as the Commissioner and Chief Executive Officer of the Utah System of Higher Education. From June of 1974 until August of 1976, I served in H. E. W. as the United States Commissioner of Education. During the early days of the Nixon Administration, I had previously served as Deputy Commissioner of Education in the U. S. Office of Education. Prior to that I served as Utah's State Superintendent of Public Instruction. I have served under four Secretaries of Health, Education, and Welfare during the Nixon and Ford Administrations.

American education is not only a state and local responsibility, it is a national priority of the highest order. Three out of every ten Americans are involved on a full-time basis in education in the United States. This includes both students and employees, kindergarten through graduate school, public and private schools, colleges, and universities. This year over $140 billions will be spent on education in this country. The importance, size, and dollar magnitude of education justify its being represented on the highest level in the United States governmental structure.

From my own personal experience, let me give you some compelling reasons why we need a United States Department of Education:

1. The Department of Health, Education, and Welfare is too large and complex. The Department is disproportionately huge as compared to other federal departments. The mission of the Department spans over many broad and unrelated areas, and this makes the management and control problems so complex and varied that the Secretary can in no way be responsive to all the demands upon him. It makes sense simply from the point of view of sound management practice to relieve the Secretary of Health, Education, and Welfare of some of the complexity and burden that he now carries.

2. Education is both misplaced and obscured in H. E. W. Those who argue that the "E" of H. E. W. needs to remain close to the "H" and "W" functions are describing a relationship that never was and never will be. In 1970 while I served as Acting Commissioner for seven months, and in 1974 to 1976 while I served as Commissioner, I attended weekly staff meetings with my counterparts from "H" and "W." I cannot recall a single time when I was called upon by the Secretary to coordinate my agency's activities with health and welfare agencies. Indeed, I had more occasion to meet with the U. S. Department of Labor on joint manpower and vocational education concerns, with Interior on Indian

education matters, with Agriculture on the school lunch program, and with Defense on education for overseas dependent schools and on impact aid law matters, than I ever did find such occasion to meet with and coordinate my activities with Health and Welfare. Then, when the Secretary removed the manpower education activities from "E" and placed them in the agency that administered programs for the aging and programs on child development, the sum total result was to make coordination even more difficult than it had been in the past.

Three major program responsibilities closely related to education have not even been brought together under one agency head in H. E. W. I am referring, of course, to vocational education activities under CETA, vocational education activities under the Rehabilitation Act, and early childhood education activities under Headstart. What little reason there has been for coordination has been made almost impossible by the failure of H. E. W. to put its organization structure in order. When I left H. E. W. last year, I advised Secretary Mathews that, in my view, he should bring all of H. E. W.'s education activities under one administrative authority and delegate more responsibility to H.E.W.'s top education leader. This has not been done to date.

3. Education is either very poorly represented or is not represented at all on the highest level of decision making in the Executive Branch of the Federal Government. I do not blame the current on past H.E.W. Secretaries for this. They simply cannot find the time nor the forums to take strong and decisive leadership action with O.M.B., the White House Domestic Council, or the Oval Office itself. There are only a few occasions when a Secretary can protest vigorously and appeal decisions made on the level above him. If his prime concern is for Social Security, income maintenance, or national health insurance--and we all know that these have been high priorities for years--the Secretary understandably uses all his clout, credit, and credibility in appealing decisions made by O.M.B. and the Domestic Council. When a matter related to education's budget or programs receives a high-handed decision in O.M.B. and the Secretary gets a request from the Commissioner of Education to appeal a budget cut or a plainly ill-advised position on legislation to the Oval Office, the Secretary simply doesn't want to do it because he has already used

his credit for the "biggies" in welfare, Social Security, and national health insurance. Even a decision by a GS-14 in O.M.B., who changes the Commissioner's proposed testimony on a piece of important legislation, does not get appealed to right an obviously unenlightened wrong, because there is a limit to how many times you appeal and that limit in an enormous department like H.E.W. is always oversubscribed.

4. Education decision making in H.E.W. is actually made by a cumbersome management structure euphemistically referred to by the career civil servants in the Office of Education as the "CLAP Trap." The existence of the CLAP Trap is sufficient reason to remove the "E" from H.E.W. The Secretary of H.E.W.--because of the enormous size and complexity of his Department--must delegate to four Assistant Secretaries (the Comptroller--known as "C," the Assistant Secretary for Legislation--known as "L," the Assistant Secretary for Administration--known as "A," and the Assistant Secretary for Planning and Evaluation--known as "P" --- thus, we have the euphemism, the CLAP Trap). Most major decisions to be made by the U. S. Commissioner of Education must clear the CLAP Trap

before the Secretary will even consider them. With each of these four Assistant Secretary units staffed with several hundred staff members (There are over 6,000 employees in the Office of the Secretary and the CLAP Trap structure), the task of getting decisions made is no small challenge. Once the "staff analysis" of the CLAP Trap has been completed and a "concur" or "non-concur" recommendation is made by all four entities, the decision usually is made by the Under Secretary rather than the Secretary. The Secretary is simply overwhelmed with the total burden of the size of H. E. W. and he has to delegate. The result is that distinguished educators such as Dr. Ernest Boyer, the current U. S. Commissioner of Education, find their insight and expertise nullified by the structure that has been created in H. E. W. through the years. This is not the fault of anyone in particular; it is simply the result of bigness, complexity, and lack of responsiveness that come with an enormous bureaucracy such as H. E. W.

A problem area in the Office of Education, familiar to several members of this committee, should illustrate the difficulties in being responsive under the current H. E. W. decision-making structure: While I served as U. S. Commissioner of Education, the necessity to make dramatic changes in the Guaranteed Student Loan Program was apparent to everyone. After several days of hearings before a subcommittee of this committee--chaired by Senator Nunn--I resolved to implement the findings and recommendations that emerged from the hearings. But my proposals never cleared the "staff analysis" by the H. E. W. Assistant Secretary structure, and I left office several months later with no final action taken on some badly needed reforms.

5. We need a U. S. Department of Education to have the structure necessary to keep the Federal programs in education responsive to local and state needs. A cabinet-level education chief for the Federal Government will, in my view, decrease the trend toward Federal control of education. It is my firm belief that Federal control and domination of education and burgeoning Federal red tape will continue to be a large, frustrating problem as long as education remains as a relatively small and unimportant part of the H. E. W. structure. The education community cannot exert its influence to change and shape national policy because the education leaders in H. E. W. do not make the big decisions and many of their recommendations never reach a busy, overburdened Secretary. Moreover,

> the education decisions made by O.M.B. and the White House Domestic Council should first be developed and proposed by a cabinet-ranking education officer. Under the current structure, the Assistant Secretary for Planning and Evaluation usually serves as the contact with O.M.B. decision makers and the education officers are only rarely included in the councils where the decisions are made and implemented.

Speaking to S. 991, I am thoroughly convinced that this legislation will be the most important event touching American education in the decade of the seventies. All those interested in the advancement of the vital work of our schools and colleges should support this legislation.

Terrel H. Bell
Commissioner and Chief Executive Officer
Utah System of Higher Education
and
Former U. S. Commissioner of Education

807 East South Temple Street, #204
Salt Lake City, Utah 84103
(801) 533-5617

October 13, 1977

PREPARED STATEMENT OF HAROLD HOWE II, VICE PRESIDENT FOR EDUCATION AND RESEARCH, THE FORD FOUNDATION

Mr. Chairman:

Education in the United States will benefit from an upgrading of the Federal administrative agencies that serve it. In 1977 the level of these agencies does not differ markedly from what it was twenty years earlier, but the responsibilities they carry today have increased by scores of new programs and billions of dollars. The education policies and programs advanced by the Congress and the President will attract and hold more talented leadership as the result of such an upgrading.

A second requirement for improving the Federal Government's capacity to meet its responsibilities to education is the development of better coordinating and planning arrangements to reach across the various agencies of government with interests in the broad field of education. While the upgrading already suggested may consolidate some of the numerous education-related programs sprinkled about the government, it is neither possible nor wise to bring all education programs under a single department. But it is possible to create mechanisms for improved coordination of these programs.

A third need of education is a capacity within the Federal Government but somewhat insulated from both Congress and the Presidency to view in broad perspective the diverse educational scene in the United States and to make longer-term recommendations about it. Education in our country is peculiar in its very special relationship to state and local government and in its important tradition of private sponsorship and support. We need a more thoughtful and contemplative capacity than the usual processes of government produce to review this varied scene and to advise on how to maintain its strengths and to build upon its traditional values.

Meeting these three needs for upgrading administration, improving coordination, and attaining new levels of thinking about national objectives will require long and serious study and debate. It would be a mistake to rush into quick decisions without such careful consideration. To my knowledge there has been little or no serious examination of the alternatives for a Cabinet Level Department of Education until about a year and a half ago. Then two studies were initiated, one by the Carnegie Council on Policy Studies in Higher Education and the other by the American Council on Education with support from the Ford Foundation. I won't review these studies now, since I assume that they are available to the committee and its staff, but it is worth noting that they present a number of models for upgrading education in the Federal heirarchy. These models and others need to be known, understood and debated by the diverse constituencies of education in the United States, a process which will be advanced by these hearings but almost certainly not completed by them.

While we are talking about how to achieve a Cabinet Level Department of Education and how to fashion new arrangements for coordination and longer term thinking, there are some interim measures that can and should be acted upon without delay. The first of these is to upgrade education within the

Department of Health Education and Welfare. My suggestion for doing that is to create an Under Secretaryship of Education with both policy and program responsibility and with control of all education activities of HEW, and probably a few from outside it. Creating this new under-secretaryship now would rid the education affairs of HEW of a difficult set of ambiguities between the present offices of the Commissioner and the Assistant Secretary.

To do something now about coordination I would suggest beefing up the Federal Interagency Committee on Education (FICE). This could be done either by placing it directly under the new under-secretary and broadening its responsibilities or by making it the instrument of a new education adviser to the President. When this position was held by Douglass Cater in the 1960s, it provided an extremely useful access to the White House both for education agencies within the government and for those outside of it. I think that the President would be well advised to make the assignment a formal one.

Finally, if you decide to move quickly on a Cabinet Level Department, a course I do not recommend, you would be wise to consider the merits of what is now being called a Department of Education and Human Development. Such a department could have various formulations, but the important thing about it would be its recognition that education is an activity which is broader than institution-bound learning. Education takes place in the home, the community, the workplace, during periods of recreation, and by means of television; it is a life-long enterprise that has traditionally been thought of as an activity for children, youth and young adults. It is important, in my view, that any move to a new Cabinet Level Department of Education reflect this enlarged view of the subject and bring within the new department Federal activities that such a view would suggest.

PREPARED STATEMENT OF FRANCIS KEPPEL, DIRECTOR FOR THE PROGRAM ON EDUCATION, ASPEN INSTITUTE ON HUMANISTIC STUDIES

Mr. Chairman, members of the Committee -- I am grateful for the opportunity to testify before this distinguished Committee as it considers S.991, The Department of Education Act of 1977. I favor the general thrust of this important legislation, and believe that the time has come to provide Cabinet level status for Education.

My major reason will be familiar to you: Education is the largest enterprise in America, involving almost a third of our population and the expenditure of an estimated $144 billion this year. On the face of it, so large an enterprise, which has such profound and widespread influence in our society, deserves concentrated attention and policy leadership at the top level of our national government.

Let me draw your attention to two other reasons which seem to me to argue particularly for a Department of Education. The first is the need for coordination of the education-related activities of the Federal Government itself, which are to be found in virtually every Department and Agency. The existing mechanism of the Federal Interagency Committee on Education, as far as I can tell, is not powerful enough to provide such coordination. It not only needs a Cabinet officer in the chair, to assure that the issues under consideration command attention at the top levels of government, but above all it needs a Cabinet officer whose entire attention is focussed on educational policy. Such an important issue as deciding on the best ways to help to maintain the financial health of higher educational institutions, for example, involving the programs of many federal agencies, could be effectively brought under concentrated analysis for both policy and fiscal implications.

The second reason has to do with the relations between federal and state governments. There is widespread dissatisfaction today. Education is now, and I hope will always be, highly decentralized. State governments play the major role in both elementary and secondary education, and in post-secondary education as well. The cost of education is a major factor in the budgets considered by both legislative and executive branches of state governments. Leaders of both groups require top-level attention in Washington, on both policy and program coordination, attention which is available only on lower echelons today. The creation of a Cabinet Department would make it possible to have a staff position in the Secretary's own office to help the Secretary deal directly with state Governors, legislators and educational leaders, as well as with such groups as the Education Commission of the States. The creation of an Education Department would make it possible, it seems to me, to strengthen existing programs for planning and consultation, and to establish new methods of coordination. Cabinet status for Education could put focus on these relationships and provide high status positions to assure continuing attention to the problems and opportunities of intergovernmental relations.

Finally, I hope the Committee will consider the possibility of establishing two undersecretaries, one to deal with early, elementary and secondary education, and the other with post-secondary and continuing education. Such an arrangement would seem to me well adapted to the realities of educational organization throughout the nation, and would assure that the needs of each area be represented at the top level of the Department. In the case of post-secondary education, the fact that support for research and educational programs are to be found in many government departments and agencies makes it particularly necessary that a very senior official of the new Department be assigned responsibility for planning and coordination.

PREPARED STATEMENT OF STERLING M. McMURRIN, DEAN OF THE GRADUATE SCHOOL OF THE UNIVERSITY OF UTAH

Mr. Chairman and Members of the Committee:

It is an honor and privilege to accept your invitation to make a statement concerning Senate Bill S.991, the "Department of Education Act of 1977." My support for the enactment of this legislation is based on my experience in the administration of higher education and as United States Commissioner of Education in the administration of President Kennedy and Secretary Ribicoff, and on recent observations of contemporary problems of education in relation to government.

I support the essentials of S.991 basically on three grounds:

1. The obvious importance of education as the chief determinant of the character, quality, and stability of our society and culture justifies a more adequate representation of education in the structure of the Federal Government than it now has.
2. The structure of the Federal Government with respect to agencies and functions related to education is at present both inefficient and less effective than it should be in defining basic purposes, establishing long range goals, and achieving immediate objectives. Not infrequently the results of Federal regulation and action are confusion and waste.

3. The educational institutions of the Nation are in many ways inadequately served by the Federal Government because of its inefficient and confusing structure in relation to matters of education. As a result, national resources are dissipated, the educational process suffers, and the social goals of the schools are frustrated.

1. Certainly education, which intimately and importantly affects the lives of all our citizens, both individually and collectively, and is essential to the economic, political, moral, and spiritual integrity of the Nation, is equivalent both in importance and the need for public status to those other segments of our national life which are represented by cabinet level departments in the Federal Government.

As you and the members of the Committee well know, Mr. Chairman, the Office of Education has a long history of being moved from place to place, and of reorganization and internal restructuring. But it has never commanded the status in the Government or in public esteem, or even in the opinion of educators themselves, that such a governmental entity should have, considering its basic importance to our society. It is time now to make the decisive move that S.991 will make, to create a Department of Education that will bring into governmental affairs the recognition of education that is enjoyed by such segments of our national life as labor, commerce, housing, transportation, and energy. In the structure of the Executive branch of the Government, education has been short-changed far too long.

I realize, of course, that one of the main factors that has prevented an earlier creation of a Department of Education has been the concern of the American people and the Congress that a strengthening of the Federal administration in relation to education might result in increased federal controls over our educational institutions. Clearly this is something that we do not want and must guard against. I am strongly of the opinion, however, that the unwarranted controls on educational institutions that have found their way into the Federal regulations, especially as an accompaniment of program funding, and which have resulted in mountains of unnecessary red tape and expensive paper work, can be contained and partially eliminated only through a major consolidation of Federal educational functions and agencies. At the present time there are too many administrative offices and too much bureaucracy to permit a genuine unity of purpose, avoidance of duplication, and the prevention of unwise legislation and regulation. It is my opinion that the creation of a Department of Education would enable us to decrease rather than increase Federal controls over the actual operation of federally funded educational programs, and it should reduce the confusion and frustration now so commonly experienced by educational institutions in their efforts to conform to the requirements of Federal law in such matters as civil rights.

2. No one knows better than you, Mr. Chairman, of the extent of the dispersion throughout the Executive branch of the Government of agencies and programs concerned with educational matters— involving not less than eleven departments and twenty five independent agencies administering post-secondary programs alone.

Cooperative effort among the administrators of the multitude of programs is extremely difficult. Interagency coordination thus far appears to have been far from successful. Moreover, it is my understanding that at present sixteen standing committees of the Senate and eighteen of the House have oversight of at least one education program.

No one knows better than you, Mr. Chairman, of the confused circumstances attending the administration of education in the Department of Health, Education, and Welfare, where the central educational agency, the Office of Education, is grouped with other adminstrative units concerned with health and welfare that have little or no relationship to education. I well remember your own efforts, as Secretary of H.E.W., to find a common ground or a unifying principle that could bring the widely diverse agencies of your Department into a more effective relationship with one another.

In my own experience as Commissioner of Education, with the exception of the Secretary and the Assistant Secretary for Legislation, the General Counsel, the National Institutes of Health, and the Children's Bureau, I was less involved with other elements of the Department than with the National Science Foundation, the President's Scientific Advisory Committee, the Atomic Energy Commission, the National Aeronautics and Space Administration the Department of Labor, and the Department of State.

Today with the National Institute of Education and the National Center for Educational Statistics separated from the Office of Education, and the interposition of an Assistant

Secretary of Education between the Secretary and the Commissioner, the situation must be even more severe.

Secretary Califano's recent move to reexamine all H.E.W. regulations is most commendable. A similar action on the regulations governing the administration of educational legislation was taken during Secretary Ribicoff's administration. The establishment of a Department of Education would greatly facilitate the achievement of the ends which are envisioned by such actions.

I am not of the opinion, of course, that there is any simple solution to this utterly complex problem. Certainly not all of the federal functions relating to such a vast and diverse enterprise as education can be fully unified for administrative purposes in a single department. It is inevitable that some programs must be located elsewhere. But I am fully convinced that no possible reorganization of education within the framework of the present Department of Health, Education, and Welfare will result in any substantial improvement. The Office of Education has experienced enough reorganization. Nothing less is needed than the creation of a new department which will bring together the basic educational functions of the Government under a single administrator who has the high status of membership in the President's Cabinet.

3. I do not here represent any educational institution or organization, but I believe I have a fair grasp of the attitude of the generality of educators in this matter, especially of those in the administration of the schools, colleges, and universities. I have little doubt that the great majority would

applaud the establishment of a Department of Education. Like the public at large, and the Congress, the schools and colleges do not want federal controls or further increase in the annoying and expensive federal intrusions into their affairs. But they do want a stronger representation in the Government, Federal legislation more clearly directed to justifiable educational goals, more effective and efficient administration of Federal educational affairs, and increased strength in leadership in matters that pertain to national needs and purposes relating to education.

At present there is considerable distress among educators that is generated by the segmentation and lack of unification in the Federal treatment of educational problems and the administration of laws and regulations affecting educational institutions. Senate bill 991 is an opportunity to dispell much of that distress. The schools and colleges now carry a very large burden. Our society has placed upon them not only their proper task of providing schooling for the children and youth of the Nation, but as well an inordinate share of the burden of social reform, relating to civil rights and the achievement of equality of opportunity. This has generated a proliferation of regulations that can so fully occupy the time and energy of teachers and administrators that their educational work is severely affected. Whatever will bring more order and efficiency to the Government in its dealings with schools and colleges can have no other than a beneficial effect upon the Nation's education. We cannot afford to continue to move in the direction of Federal regulation of education. Much that is important to our culture depends on preserving our tradition of state and local control of the schools. We are rapidly approaching a condition where we must talk of deregulating the schools as we talk of deregulating business and industry.

The question of which functions and agencies of the Government should be incorporated into a Department of Education is a difficult one. I am aware of various proposals for a department that would combine education in the traditional sense with other related agencies or functions. The only alternative in principle to the structure set forth in S.991 that I would favor would be a department that would include the functions of government that relate to science and technology, perhaps a Department of Education and Science or Education, Science, and Technology.

Such a department would include the Federal funding of research in science and technology where that research is located primarily in universities and scientific institutes. This, of course, would entail the inclusion in the Department of the National Science Foundation and the National Institutes of Health in addition to the independent agencies marked for inclusion in the Department of Education by S.991. It seems to me that the same justification exists for the transfer to the new Department of the functions of the National Science Foundation as exists for transferring to it the functions of the National Foundation on the Arts and Humanities. I rather think that to simply transfer to a Department of Education the Directorate for Science Education, as proposed by the instant bill, would damage the integrity of the National Science Foundation. The ground for including within the Department programs relating directly to academic scientific research is the fact that research is an integral element of advanced higher education. Unless it is included, higher education is represented in the Department only in a truncated form.

I find no serious objection to the other transfers of functions and agencies named in Section 7. The transfer of the named agencies conforms to the purposes and justification of the proposed Department.

I am most favorably impressed by the provisions of Section 12 establishing a Federal Interagency Committee on Education, and Section 13 establishing a National Advisory Commission on Education. Both of these are very much needed. Movements to establish both an interagency committee and a national advisory committee for education were made during the administration of Secretary Ribicoff, but those efforts did not have the mandate or support of specific legislation. It is my understanding that even under the more recent Executive order mandating the Federal Interagency Committee on Education the results have been somewhat disappointing. Such a committee can be fully successful only when it engages the interest and support of persons at the highest level of the involved departments or agencies. In my opinion the proposed act, in Section 12 (d), should stipulate that the members of the Interagency Committee, in addition to the Secretary as Chairperson, be the heads of the independent agencies and officials not lower than Assistant Secretaries of the involved departments.

It was a wise decision of those who fashioned S.991 to place the National Advisory Commission on Education under appointment by the President. This ensures recruitment of persons of the highest talent and commitment. A high level outside advisory and oversight committee of this kind should contribute greatly to the effectiveness and efficiency of the Department and help to ensure quality in American education.

I must confess that I feel less secure on the matter of the Office of the Inspector General described in Section 14. The lengthy detail in which the responsibilities of the Inspector General are spelled out in the proposed legislation concerns me. My concern, of course, is that the Inspector General and staff may achieve an unwarranted dominance over the Secretary and the policies of the Department. I urge a very careful examination of Section 14 to ensure a proper jurisdiction of the Inspector General that will not encourage or allow an inordinate assumption of powers by that Office. This does not mean, however, that I do not recognize the great importance of providing for full accountability of the Department to guarantee its effectiveness and integrity.

Thank you, Mr. Chairman and members of the Committee, for your courtesy in inviting my comments on this very important legislation.

PREPARED STATEMENT OF SAMUEL M. BROWNELL, PROFESSOR EMERITUS, YALE UNIVERSITY

Mr. Chairman:

My name is Samuel M. Brownell of New Haven, Connecticut. I am here to present comments concerning Senate Bill 991. I do not represent any particular organization or constituency but as a person who has been concerned with improvement of U. S. education for more than 50 years. My experience has included classroom teaching, principalship, superintendent of a consolidated suburban school system, superintendent of a large city school system, college teaching, presidency of a teachers college, professor of educational administration, consultant to Ministries of Education, and U.S. Commissioner of Education. I am presently an Emeritus Professor of Education from Yale University.

I shall confine my comments on S.991 primarily to the provisions it includes as they relate to what I consider are desirable conditions for the structure and function of the Education Agency of the Federal Government whether it be as a Department or some other alternative which is not here proposed.

My long term position has been that the question of the Federal Education Agency was not primarily whether it was to be in a separate Department or as a part of another Department, if certain conditions were provided. It is what goes on in a structure rather than the structure which is most critical. These conditions do make a large difference in the efficiency with which the Agency can operate.

I recognize that the Federal Government already has more Departments than organizationally desirable. I also recognize that education is and should continue, in my opinion, to be primarily a State responsibility. Establishment of a Federal Department of Education would undoubtedly add pressure for the Federal Government to expand its programs and to centralize, standardize andadd controls to more of the educational activities of the Nation in the name of efficiency and accountability. Clear definition and of the limitations in functions and powers of the Federal Department and of its relationships to the State Education Agencies could probably control to a large degree the natural bureaucratic tendency to grow and expand beyond the intent of the Congress. I shall comment more on this point later.

Against the reservations I hold on establishing a Federal Department of Education I have to place the perspective of about 25 years the Office of

Education has had as a unit in the Department of Health, Education and Welfare. When I became Commissioner of Education in 1953 the Sedretary of HEW indicated that she wanted the Commissioner to be "Mr. Education". All problems of educational policy, operations and representation were referred to the Commissioner's office for recommendation or handling. Close and frequent working relationships with the heads of all other constituent units of the Department of Health, Education and Welfare reduced to a minimum bureaucratic problems of inter-Departmental concerns. I therefore have a positive experience to support my feeling that much can be done as a unit within a Department to accomplish what S991 proposes to do. But my experience was 25 years ago. The education scene has changed greatly within and without the Federal Government, and in the other units of the Department of Health, Education and Welfare. A variety of organizational changes have been tried by H.E.W. but the result has not been to reduce but to increase the overlap and division of educational authority and direction of the educational leadership function of education in the Federal Government. This 25 years of experience raises serious doubts as to the probability that reorganization of the Education unit within H.E.W. will provide the structure for essential educational leadership and operations.

At this stage I prefer to reserve judgment on the course most appropriate, pending an opportunity to evaluate other options which may be considered. The remainder of my comments at this time, therefore, consist of enumerating points I think are important in evaluating any of the alternatives, and in making specific suggestions which I think would make S 991 more desirable if it were to be adopted.

In my analysis of the proposed S 991 I find it helpful to keep in mind a few fundamental considerations such as these:

a. Are there safeguards which limit the Federal Education Agency from usurping state and local responsibilities, and which direct that activities of the Federal agency shall be through state established educational channels, and that that the Federal activities shall be supportive of and toward strengthening State and local initiative, educational quality and equality of educational opportunity.

b. Are the provisions for Federal educational leadership adequate to enable co-ordination and efficiency of all parts of the Federal Education Agency and to provide sufficient status to the chief Federal Education official to enable him to reparesnt education effectively with other government agencies and with foreign education leadership?

c. Does the structure facilitate unified elementary-secondary-higher education level consideration and work on problems which cut across all education levels?

d. Does the indication of responsibilities of the Federal Education Agency recognize its obligation to provide service to the legislative and judicial branches of the Federal government as well as to the executive Departments and agencies?

e. Is the importance of providing sustained effort and continuity in educational activities if they are to be more than superficially effective recognized by provisions for the U.S.Federal Agency to make committments of 5 - 10 years duration for development, field testing and evaluation of promising practices?

f. Are there adequate provisions for the Federal educational Agency to have use of Federal grants or contract funds carefully audited in a way which respects the authority and responsibility of the State and Local educational agencies involved?

As I have applied these questions to my examination of S 991 I find that it generally provides most of the elements I have mentioned. There are a few specific suggestions which I respectfully submit:

pp. 3 & 4. I question the designation of the functions of the 4 Assistant Secretaries. This seems inconsistent with lines 9 - 11. Why not have section (c) p.3 read something like this "There shall be in the Department a General Counsel and not to exceed 4 Assistant Secretaries of Education."

p. 6. 1.6. Perhaps add "exercise leadership at the direction of the President in co-ordinating Federal activities affecting education, and providing educational counsel and advice to any and all agencies of the legislative, executive and judicial branches of the Federal government which may seek such service."

p. 6. 1.17. Have it read something like this: Encourage comprehensive planning and improvement of education by State and Local governments, primarily by assistance to and through State Education Agencies, and cooperation with them in co-ordinating Federal, State, etc".

p. 6. #7, 1.2. Possibly make it read: "and administering through duly constituted State education agencies".

p.6. 1.22. I'm not sure what is meant by administering discretionary programs, but if it means administering Federal aspects of programs under the jurisdiction of the proposed De partment, why not say so. This would avoid the possible implication that it is Congressional intent to have the Department operate school or college programs at its discretion.

p.7. Section 7. Should not the National Institute of Educational Research be included on line 4?

Pp. 35,36. 1.3 - 5. Possibly eliminate "over-all results on generally recognized standard examination for entrance to undergraduate and graduate institutions". The foregoing pre-supposes a number of conditions likely to change and questionable for Federal Department responsibility. I question the Federal Department encouraging, in fact requiring, use and reporting of standard examinations for entrance purposes. Some use them wisely, some do not. Independent colleges might well raise the question of their responsibility for such reporting. I don't believe it belongs in the law.

p.36. 11.8,9. Improvement of programs for the handicapped would seem appropriate to mention specifically only if other programs, e.g career education, education for the disadvantaged, teacher education, pre-school education, etc. were mentioned. The whole listing reflects contemporary concerns. Thelaw is a fundamental, continuing law. While a few "for instances" seem appropriate emphasis would seem to me more advisable on having the annual report contain on-going data showing national trends in educational conditions with an indication of their significance; current and emerging problems of education with suggested action, if any, by the Federal government; special educational progress worthy of note; the Advisory structure of the Department and its activities; and recommendations of the Secretary to the President re the actions needed by the Federal government to maintain and advance the educational well-being of the Nation.

p. 38. 11 15-23. Perhaps change to read by adding at the end the following: "Not to exceed 4 Assistant Secretaries of Education".

Respectfully submitted,

Samuel M Brownell

Samuel M. Brownell,
Professor Emeritus.

ABRAHAM RIBICOFF, CONN., CHAIRMAN
JOHN L. MC CLELLAN, ARK.
HENRY M. JACKSON, WASH.
EDMUND S. MUSKIE, MAINE
LEE METCALF, MONT.
THOMAS F. EAGLETON, MO.
LAWTON CHILES, FLA.
SAM NUNN, GA.
JOHN GLENN, OHIO
JIM SASSER, TENN.
CHARLES H. PERCY, ILL.
JACOB K. JAVITS, N.Y.
WILLIAM V. ROTH, JR., DEL.
TED STEVENS, ALASKA
CHARLES MCC. MATHIAS, JR., MD.
JOHN C. DANFORTH, MO.
H. JOHN HEINZ III, PA.
RICHARD A. WEGMAN
CHIEF COUNSEL AND STAFF DIRECTOR

United States Senate
COMMITTEE ON
GOVERNMENTAL AFFAIRS
WASHINGTON, D.C. 20510

October 26, 1977

***Mr. Francis Keppel
Harvard University
Cambridge, Massachusetts 02138

Dear Mr. Keppel:

I very much appreciate your testifying before the Governmental Affairs Committee two weeks ago on legislation to create a separate, Cabinet-level Department of Education in the Federal government.

Your testimony provided the Committee with valuable insights into the deficiencies of the delivery and structure of Federal education programs and services. We will surely draw upon your statements as this important legislation moves through the legislative process.

There are two additional questions which, because of time limitations, were not asked at the hearings. Your answers to them would be helpful to the Committee in our deliberations on the bill. I would appreciate your submitting written responses for the hearing record by November 10:

1. Some individuals have expressed concern that a separate Department will be dominated mostly by elementary and secondary education interests, and not those of higher or vocational education. Can you offer any suggestions on how the Department should be structured which would best balance all education interests and reduce the domination of one over another?

2. Education research is a fundamental consideration for higher education, as well as at the elementary and secondary levels. How important is the preservation of the status and the relative independence of the National Institute of Education function? Do you feel education research should be isolated from other components of education, or should research be integrated into all aspects of education? In a Department of Education is there a need for a separate education research component, or should there be an Assistant Secretary for Research?

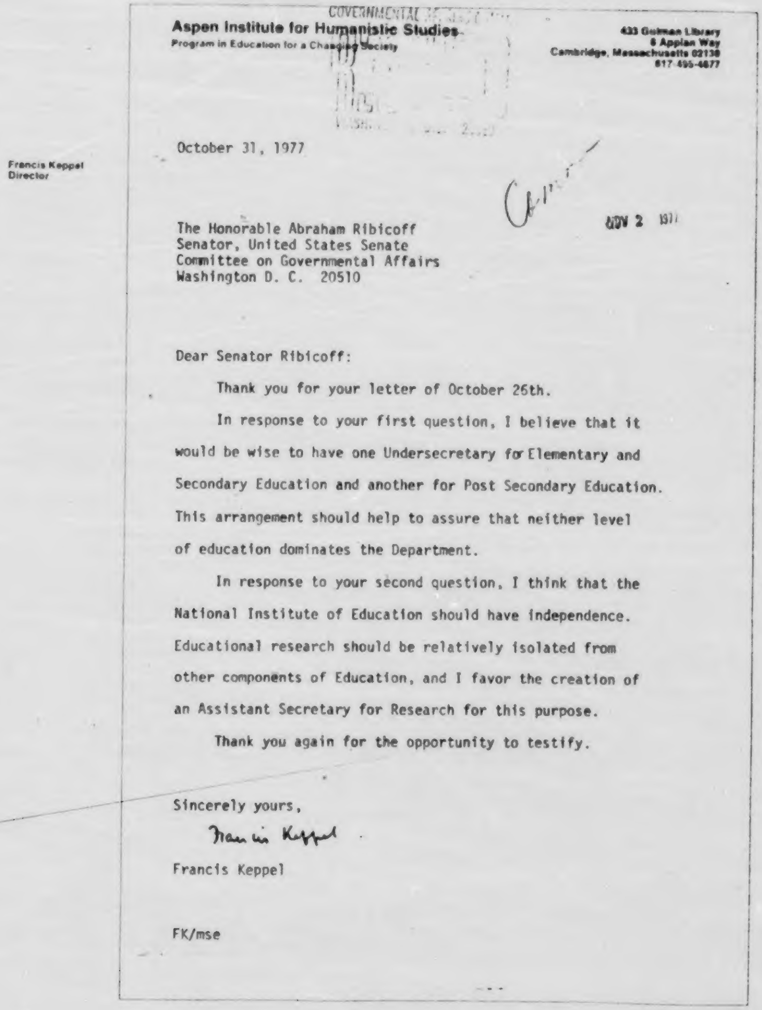
Again, thank you for your fine contribution to these hearings.

Sincerely,

Abe Ribicoff

***THIS LETTER ALSO ADDRESSED TO: Dr. T.H. Bell, Mr. Harold Howe II, Dr. S.M. Brownell, Dr. Sidney Marland, Dr. Sterling McMurrin.

RESPONSES FOLLOW.



Aspen Institute for Humanistic Studies
Program in Education for a Changing Society

433 Gutman Library
6 Appian Way
Cambridge, Massachusetts 02138
617 495-4677

Francis Keppel
Director

GOVERNMENTAL [illegible]

October 31, 1977

NOV 2 1977

The Honorable Abraham Ribicoff
Senator, United States Senate
Committee on Governmental Affairs
Washington D. C. 20510

Dear Senator Ribicoff:

Thank you for your letter of October 26th.

In response to your first question, I believe that it would be wise to have one Undersecretary for Elementary and Secondary Education and another for Post Secondary Education. This arrangement should help to assure that neither level of education dominates the Department.

In response to your second question, I think that the National Institute of Education should have independence. Educational research should be relatively isolated from other components of Education, and I favor the creation of an Assistant Secretary for Research for this purpose.

Thank you again for the opportunity to testify.

Sincerely yours,

Francis Keppel

Francis Keppel

FK/mse

STATE BOARD OF REGENTS
UTAH SYSTEM OF HIGHER EDUCATION
807 East South Temple • Suite 204 • Salt Lake City, Utah 84103 • Telephone 801 533 5617
T.H. BELL
Commissioner and
Chief Executive Officer

November 4, 1977

GOVERNMENTAL AFFAIRS COMM.
RECEIVED
NOV 8 1977
WASHINGTON, D.C. 20510

The Honorable Abraham Ribicoff
Chairman, Committee on Governmental Affairs
Senate Office Building
Washington, D. C. 20510

Dear Senator Ribicoff:

Many thanks for your letter of October 26. I am pleased to respond to the two questions which you included in your letter:

1. I do not believe that the matter of a separate department being dominated mostly by elementary and secondary education interests is an issue that should be used as an argument against creating a Cabinet-level Department of Education in the Federal Government. Obviously, this issue would exist regardless of where the responsibility for administration of Federal education programs might be placed. I do not believe it to be a very serious issue nor do I believe that the record would indicate from past history that this has been the case. The incumbent U. S. Commissioner of Education was appointed by President Carter directly from his position as Chancellor of the State University of New York System. Additionally, the Assistant Secretary for Education is a former chancellor from the University of Colorado. The top-level Federal officials in education have alternated quite evenly between higher education and elementary education levels. At the time that I testified before the Committee, I sat at the table with some of my colleagues who were also former U. S. Commissioners of Education. Two of them, Drs. Keppel and McMurrin, were appointed from higher education posts. Drs. Howe and Marland were from elementary and secondary education backgrounds. I have served on both levels and am currently serving as Commissioner of Higher Education for the State of Utah. All of this, in my view, defeats the allegation that one level of education has dominated the top-level Federal leadership positions in education.

DONALD B. HOLBROOK
Salt Lake City, Chairman
CHARLES E. PETERSON
Provo, Vice Chairman
PETER W. BILLINGS
Salt Lake City
D. OMER BUTTARS
Ogden
J. LYNN DOUGAN
Salt Lake City
KENDRICK H. HARVARD
Richfield
GEORGE C. HATCH
Salt Lake City
MRS. MARY D. LUNT
Cedar City
NEAL A. MAXWELL
Salt Lake City
ROBERT L. NEWEY
Ogden
MRS. JEAN OVERFELT
Salt Lake City
LUKE G. PAPPAS
Price
REX G. PLOWMAN
Lewiston
ROY W. SIMMONS
Kaysville
H. BRUCE STUCKI
St. George
PAUL A. WATTERSON
Logan

In my view, it would be useful for reasons that go beyond this issue to structure the proposed new department in such a way as to require the appointment of an under secretary for elementary and secondary education and an under secretary for higher education. This would meet the argument advanced by those who perceive this to be a problem. And if the past can be any indication of how appointments might be made in the future, it would be safe to predict that the Secretary of Education appointed by future Presidents of the United States would likely be balanced in the future as it has been over the past years. The point to be emphasized is that past history cannot be used as an argument to make this point.

2. I believe that the National Institute of Education should continue to function as an institute and that the head of this institute should be appointed by the President with the advice and consent of the Senate as has been the practice in the past. However, I believe that the director of the institute should report directly to the Secretary of Education and not to one of the under secretaries in the structure of the proposed new department. Education research is vital to the future development and viability of American education, and the National Institute of Education should be an important component of the proposed new department with a reporting relationship that recognizes the vital significance of this institute.

It was a pleasure to appear before your Committee, and I express my sincere appreciation for your sponsorship of this legislation.

Sincerely yours,

T. H. Bell
Commissioner of Higher Education

THB:jbf

THE FORD FOUNDATION
320 EAST 43RD STREET
NEW YORK, NEW YORK 10017

HAROLD HOWE II
VICE PRESIDENT
DIVISION OF EDUCATION AND RESEARCH

November 3, 1977

GOVERNMENTAL AFFAIRS COMM.
RECEIVED
NOV 8 1977
WASHINGTON, D.C. 20510

NOV 7 1977

Com

The Honorable Abraham Ribicoff
Chairman
Committee on Governmental Affairs
Suite 3308, Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Ribicoff:

In response to your October 26 letter, I have the following comments on the numbered points you developed:

1. If there is to be a Cabinet-level Department of Education, the only way it can avoid domination by elementary and secondary education interests is to structure it broadly enough to include a variety of other concerns and to reflect the great breadth and depth of education-related interests in the country. Therefore, something like the proposal suggested in point number 4 on page three of the enclosed testimony by Clark Kerr should be considered. In addition, the organizational substructure of the Department would have to be set up to reflect the important components of education in the United States. I suppose that there are a number of ways to do this by giving varied titles and responsibilities to assistant secretaries under the cabinet secretary. As I suggested somewhere in the course of my testimony in Washington several weeks ago, one formulation would be to put all programs related to children and youth under one assistant secretary and all programs for postsecondary education, higher education and adults under another.

2. I would certainly bring the activities of the National Institute of Education within the Department, not leave it hanging loose somewhere else in the government, and I would do the same with the National Center for Education Statistics. Since the Department is certainly going to require a major appointee (probably an assistant secretary) to oversee its planning and policy development activities, I would be inclined to create an assistant secretaryship for policy planning and research and have that person oversee the National Center for Education Statistics, the National Institute of Education, and the planning and evaluation work of the Department. Doing this would not require the breakup of NIE or the reduction of its importance as a center for channeling funds to

education research activities throughout the country. Its Director and Advisory Group could continue within the new Department. I have always felt that NIE was too heavily weighted in the direction of elementary and secondary education. I have forgotten what proportion of its funds goes to higher education-related activities, but the percentage is small. It might be possible, if NIE is brought within a Department, to specifically legislate a change in its responsibilities, giving it a more specific direction for activities related to higher education and authorizing an enlargement of its funding to recognize a larger responsibility. I think it is preferable to preserve NIE and hold together within it the staff that thinks about education research strategy. Sprinkling this staff about in the operating programs reduces its impact and probably means a sacrifice in the quality of its membership.

Having said these things in response to your specific questions, let me repeat what I said in my earlier testimony, that I hope you will not rush into a particular formulation for a Department of Education without giving it benefit of full reflection, criticism and thought. Education as an enterprise does not mix easily with government, particularly national government. The stresses and strains of developing school, college, and university programs at the national level over the last ten or fifteen years have only just begun to show, and the rapid creation of new governmental structure which does not fully recognize the very special character of education would be unwise. That special character arises from a strong feeling of localism, a strong tradition of private and independent education, and a powerful set of shared beliefs that educational institutions and agencies in the United States should govern themselves in large part rather than being unduly controlled by the processes of government and political exchange. While some of these views held by one segment or another of education need to change in the face of modern realities, the process of change will produce a better result if it allows enough time for resolving significant differences. It was against this background that I suggested in my earlier testimony the possibility of a two-stage plan, with the first stage involving the raising of education's rank within HEW and the second stage the more radical approach of working out plans for a cabinet-level Department.

I hope these observations are helpful.

Sincerely,

Harold Howe II

Enclosure

Testimony before the Senate Committee on Governmental Affairs

Senator Ribicoff, Chairman

October 14, 1977

1. My name is Clark Kerr and I am Chairman of the Carnegie Council on Policy Studies in Higher Education.

2. The Carnegie Council has studied the issues on which this Committee is now holding hearings. I hereby submit our report on the subject: Federal Reorganization: Education and Scholarship. This report was issued earlier this year.

3. There are at least five major alternatives for this Committee to consider. I should like to identify and comment upon each:

   (1) Improve the current arrangements. The present arrangements are working and are generally acceptable except for three clear difficulties which, at a minimum, should be corrected. They are:

      (a) The confusion between the roles, regardless of the incumbents, of the Commissioner of Education and the Assistant Secretary for Education. The former position has most of the legislated and executive authority. The latter position, however, has the superior administrative authority but with little access to operations. The positions should be combined.

(b) There are increasing jurisdictional conflicts between the Office of Education and the Department of Labor as more and more programs on the borderline between education and work are introduced. I suggest that the central principle for clarification be the location of the activity: if it is mainly in a school, then it should belong to the Office of Education; and if it is mainly on the job, then it should belong to the Department of Labor.

(c) There are too many student aid programs in postsecondary education spread over too many agencies. This encourages the increasing loss in the integrity of the programs. All programs of aid to undergraduates should be centered in the Office of Education.

(2) Undertake a basic redistribution of the functions of HEW. Our Council report suggests placing responsibility for welfare in the Department of Labor by creating a Department of Labor and Human Resources. The theme of this department would be work, with income maintenance related, to the extent possible, to the encouragement of work and to the necessary support of the working population. A Department of Health, Education and Science would then concentrate on growth, through better health, higher skills, and greater knowledge. I hope your Committee will give consideration to this possibility. This solution would go a long way toward reducing the present responsibilities of the Secretary of HEW. It would also keep health and education together, and

there are many functional connections between them.

(3) Undertake a basic reorganization of the existing functions of HEW. We suggest consideration of creating Under-Secretaries (or Secretaries) of Health, of Education, and of Welfare on the Department of Defense model. Specifically, we suggest an Under-Secretary (or Secretary) of Education, Research and Advanced Studies.

(4) Create a broadly-based Department of Education. This is the purpose of S. 991 introduced by Senator Ribicoff. May I suggest the following additional programs for inclusion:

- All undergraduate student aid programs in postsecondary education
- National Science Foundation
- National Sea Grant Program
- Office of Child Development (HEW)
- Office of Youth Development (HEW)
- President's Committee on Mental Retardation
- Woodrow Wilson Center (Smithsonian)
- Exchange Visitor Program of USIA
- Foreign Student Programs of AID

(5) Create a narrowly-based Department of Education. This, unfortunately, is one possible outcome of efforts to achieve (4) - creation of a broadly-based Department of Education, and one of the major reasons for having doubts about efforts at the fourth of this list of solutions. Each existing independent agency will resist loss of its independent status. Each existing Cabinet-level department will seek to hold on to

what it already has. The result of these efforts could lead to creation of a narrowly-based Department of Education. Such a conclusion should be strongly resisted:

It would result in creation of by far the smallest Cabinet-level department -- one-fifth the size of the next smallest department and with little influence within the total scope of federal activities.

It would do little to relieve the heavy burdens of the Secretary of HEW -- reducing the number of departmental employees by only about 2 percent.

It would add to the burdens of the President with an additional Cabinet officer reporting directly to him.

It would result in a department oriented toward primary and secondary education where the federal government provides less than 10 percent of the public funding, and away from higher education where the federal government provides 45 percent of the public funding.

It would create a misshapen little department that in no way represents the national interest in education, research and scholarship; that could not effectively "promote the cause and advancement of education throughout the United States."

Yale University *New Haven, Connecticut 06511*

CENTER FOR STUDY OF EDUCATION
MID-CAREER PROGRAM IN CITY
SCHOOL ADMINISTRATION
INSTITUTION FOR SOCIAL AND POLICY STUDIES
[illegible] Livingston St.

GOVERNMENTAL AFFAIRS [illegible]
R[illegible]D
[illegible]
WASHINGTON, D.C. 20510

Hon. Abraham Ribicoff, Chairman,
Committee on Governmental Affairs,
United States Senate,
Washington, D. C. 20510

I am pleased to present responses to the questions posed in your letter of October 26, 1977. I shall try to summarize briefly what I consider to be the major points.

Question 1. The possibility that a Department of Education may be dominated by one or another special interest group in education is or will be a persistent problem. I know of no structural organization which will prevent the possibility. I suggest a few structural measures which should be helpful in reducing the probability of undue influence by some special interests. They are as follows:

a. Clarity in the statement of purpose of the Department that it shall be concerned with problems of all aspects of education as they relate to national well-being.

b. Specific indication that the chief executive of the Department has responsibility for the total program of the Department, and providing him with the clout to make it important for all of the heads of programs and activities in the Department to work as a team under his leadership. The chief executive would not be expected to be the expert in all phases of education. He would be a person with broad knowledge and experience in education whose expertise is as an administrator who will know how and be able to utilize the specialized knowledge of those in the Department and how to get them to see and respect the relationships of their specialty to the problems, programs and needs of the total education scene.

c. Definition of the role of the Advisory Committee on Education as a group of citizens to identify educational problems of the Nation, to recommend their study to indicate what major actions may be needed at any or all levels of educational decision making, and to advise the Secretary of their reactions as to progress and deficiencies in the current educational scene of the Nation. The Advisory Committee on Education should be individuals who are not representatives of organizations who would be expected to represent the viewpoint of a special interest group. The members should be persons who are recognized as broad in their public interest, who are willing to commit

Yale University New Haven, Connecticut 06520

CENTER FOR STUDY OF EDUCATION
MID-CAREER PROGRAM IN CITY
SCHOOL ADMINISTRATION
INSTITUTION FOR SOCIAL AND POLICY STUDIES
70 ~~Sachem Street~~ Livingston St.

the necessary time and thought concerning education and the future of the Nation, and the significance to Federal government operations of current educational conditions. The chief executive of the Department and his Staff would provide or make available to the Committee such educational expertise as the Committee would need. Thus professional educators would not be appropriate members of the Advisory Committee. They might serve as ad hoc consultants.

Beyond these steps I question the desirability of freezing the structural organization in the law. Further administration structure and organization should be flexible enough to allow modification as program emphasis changes.

(For some further discussion of the problem involved I enclose as Exhibit A excerpts from a letter I wrote in Sept.1977. As part of a study of the education operations in a Nation I had recommended, among other things, that their separate ministries of Education and of Higher Education be merged. Upon hearing that this recommendation had been followed I wrote a letter exerpts from which seemed sufficiently pertinent to provide as Exhibit A.)

Question 2. Educational research should be a concern of and concerned with every aspect of education. The common factor is not the methodology employed but the problem area with which research in education is concerned, i.e. individual learning and the processes, environmental conditions or structures, purposes, outcomes and consequences of attempts to influence learning. It seems wholly out of line and inconsistent to consider separation of educational research structurally from the agency established to see that the problems of education of the nation are better understood and through which Federal leadership is exerted for educational improvement. Within the Federal Department of Education the essential leadership and expertise to promote, conduct, and monitor educational research activities should be provided. This should not down-grade educational research but make it possible to operate more effectively to promote the improvement of all education. Research is not an end in itself. It is a means to an end.

The basis for the above statements may be more clear if I indicate briefly my concept of research and its application to problems of educational improvement.

Yale University New Haven, Connecticut 06[illegible]

CENTER FOR STUDY OF EDUCATION
MID-CAREER PROGRAM IN CITY
SCHOOL ADMINISTRATION
INSTITUTION FOR SOCIAL AND POLICY STUDIES
70 ~~[illegible]~~ Livingston st.

Research is a term applied to a broad spectrum of systematic studies of problems ranging from simple to exceedingly complex, from short term to more than lifetime undertakings, from individual to large team enterprises, from very practical searches for solutions of practical problems to endeavors to develop or prove complex theories.

One type of research is that done by an inquiring mind which is seeking new knowledge and new truth through systematic, painstaking, and insightful study. He may work alone or may involve with him assistants or colleagues who share with him the desire to have the quest succeed. His major interest or incentive is his inner drive to secure new knowledge, to prove a theory, or to develop new relationships or new significance to known ideas. It is sometimes called basic or theoretical research. This type of research is likely to flourish best in an academic atmosphere where new knowledge and the inquiring mind are respected, where a community of scholars serve to stimulate and to reinforce each other, and where the product of their scholarship enhances the learning-teaching activities related to advanced learning and teaching.

Another type of research is that which is practical problem solution oriented, sometimes called applied research. The motivating force is the need for an answer to one or many practical problems. A person or persons with the necessary skills and understandings assign themselves or are assigned the problem solution as a task. They apply specialized skills and knowledge in systematic pursuit of an answer to the problem or problems. The kinds of knowledge and skills employed may be identical with those of basic research. This applied type of research is likely to be found in connection with private enterprise or government grant. The approved research projects are likely to be related to finding new and more efficient procedures, new and better products, or to finding how to eliminate practice or products which tend to reduce profits or otherwise to put producers at disadvantage with their competitors. Or, it may be supported by government to improve conditions for citizens. This type of research is also found frequently in a specialized research institute, at a university, or in government supported experiment stations or laboratories. It culminates in field testing to determine the applicability of laboratory

Yale University New Haven, Connecticut 06511

CENTER FOR STUDY OF EDUCATION
MID-CAREER PROGRAM IN CITY
SCHOOL ADMINISTRATION
INSTITUTION FOR SOCIAL AND POLICY STUDIES
Livingston St.

findings to applied or field conditions.

The testing of promising practices to improve education under field conditions, the involvement of practitioners in trying out and demonstrating innovations in schools and in their careful evaluation is a leadership function of great importance to school progress. It is expensive beyond what an individual school system can usually afford.

In summary, I have a strong conviction that there is need for a separate education research component within the Education Department which should be able to assist and be assisted by many of the service units in the Department. But it also should have the status and resources to promote basic research in education in universities. Probably a large measure of its resources should be channeled to applied research in educational research institutes, centers or experiment stations which could be held accountable for the continuity and quality of the field testing. It would be my judgment that it would require an individual with the rank of Assistant Secretary for Educational Research to head this important function in the Department.

I trust that the foregoing will be of some use to you. Please feel free to call upon me at any time when you think I may be helpful.

Respectfully,

S. M. Brownell

S. M. Brownell,
Professor Emeritus,
Educational Administration,
Yale University.

Exhibit A.

Yale University New Haven, Connecticut 06520

CENTER FOR STUDY OF EDUCATION
MID-CAREER PROGRAM IN CITY
SCHOOL ADMINISTRATION
INSTITUTION FOR SOCIAL AND POLICY STUDIES
70 [illegible] Livingston St.

Sept. 20,1977.

- - -I was particularly happy to hear of the action unifying education activities under one Ministry.

Now, of course, come the real tough problems of seeing that leadership and structure are provided on the aspects where unification is most important. I am sure there will be efforts by some to have unified programs and concerns dominated by one or another of hitherto separated units or levels of the total education enterprise. Some of this will be the natural result of individuals having dealt with one level for so long that they believe it is the most important and should be dominant. Some will be because of the tendency for many of higher education academic level personnel to believe that the purpose of elementary and secondary schooling should be essentially to prepare individuals for the college as they would like to have the college be. They are quite unaware, or do not accept as of great importance, other responsibilities of the elementary and secondary schools. It will require wisdom, patience, and pretty broad understanding by those who are in leadership positions in the Ministry to prevent domination due to traditional hierarchies where there should be equal sharing of the specialized competencies of the elementary, secondary, and higher education educators on policy decisions.

It will probably be fairly easy to get acceptance of the concept that what is taught and how learning takes place in childhood limits or expands the potential proficiency of adults. It will be less easy to get elementary, secondary and higher education teachers to recognize that their choice of curriculum content, of method, and of adaptations of schooling to individual differences of pupils will affect and be influenced by those who precede and who follow them in a student's development of knowledge, skill and attitudes. They might not have recognized that if pupils are to be able to develop individually as fully as possible, the team of teachers and the administrators have to be willing to curb their individual preferences (and freedom) at times in order to maximize the effectiveness of the total school team.

---------A nation which seeks to produce as many as possible of outstandingly competent artists, musicians, scholars, craftsmen, athletes, scientists, etc. needs a schooling process which will detect special abilities and interests at an early age and provide the extra time, specialized instruction, disciplined and sustained incentive to develop perfection of performance. At the same time the schools need to recognize that for most individuals as they mature, and with social and technological changes occuring rapidly, new interests will open to them. Thus, for many, early and permanent choice of life time occupation or interests will be impossible or undesirable.

------It may not be easy for higher education personnel to recognize that it is strategic to the improvement of the quality of higher education to have a portion of the ablest university graduates become elementary and secondary school teachers...................

.....Another area where it seems to me there is critical need for attention that spans both the secondary and higher levels...(is)the preparation for and transition of pupils into gainful employment. Ability to read, to communicate

Exhibit A.(cont)

Yale University *New Haven, Connecticut 06520*

CENTER FOR STUDY OF EDUCATION
MID-CAREER PROGRAM IN CITY
SCHOOL ADMINISTRATION
INSTITUTION FOR SOCIAL AND POLICY STUDIES
70 Livingston st.

orally and in writing, to manipulate figures and compute quantitatively, to get along co-operatively with others, to do well and faithfully tasks undertaken, are basic qualities in employability. The schools emphasize thses from early stages, and as long as schooling continues. .(In reality this is vocational education, but it is)..not ordinarily noted as vocational education. It is more often characterized as general education. Preparation for employment is more often considered to be specialized courses or programs related to knowledge and skills required in a limited work area or profession. ..(Getting understanding between the several levels of education and aspects of the school and colleges as to the) ..amount, placement and charecter of the basic tools of employability, the specialized preparation, and the nature and responsibility of transition steps from full-time schooling to full-time employment would seemingly be most appropriate for early consideration in relation to policies and structure of the Unified Ministry.

The College Board
888 Seventh Avenue, New York, New York 10019
(212) 582-6210

Office of the President

GOVERNMENTAL AFFAIRS COMM.
RECEIVED
NOV 10 1977
WASHINGTON, D.C. 20510

November 8, 1977

NOV 10 1977

Hon. Abe Ribicoff
Chairman
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Senator Ribicoff:

This responds to your letter of October 26 in which you ask for further counsel on two issues. I believe that my original testimony did address both of these issues, but I will amplify my statements as follows:

1. Perceived domination by elementary-secondary interests. You will note in my testimony that I suggest there be two Deputy Secretaries or Under Secretaries, one for elementary-secondary education, and one for higher and continuing education. Implicitly and explicitly these two organizational components would establish equal prominence to the two principal domains of American education. In my judgment there is no strong likelihood that either of these jurisdictions would dominate the other, provided strong individuals were established in the roles. It is true that from year to year, or perhaps from administration to administration, different emphases preoccupy the educational leadership in Washington. These shifting emphases are broadly a product of Congressional activity prompted by the inevitable cycle of legislative renewal or initiative. There are a great many programs affecting elementary-secondary education as established in law (many of them with quite modest funding) that may tend to give the appearance of disproportionate attention to the elementary-secondary sector as distinct from higher and continuing education. While the higher education programs are fewer in number, they are substantially in parity in terms of dollars with elementary and secondary. Given a true Department of Education, with a consolidation of existing programs in other departments, I believe the dollar volume would tip in favor of higher education. I see no problem here, provided the organization of the office establishes symmetry.

2. Education research. Here again my original testimony urged establishment of an Assistant Secretary for Research and Development. I feel very strongly that the federal role is uniquely adapted to the R & D function for reasons of economy, efficiency, and the facing of priorities. I am absolutely convinced that educational R & D should be within the broad jurisdiction of the proposed Cabinet-level Department. To isolate such an agency from the Department, or to assume that the necessary articulation across lines of the various agencies

A nonprofit educational association serving students, schools, and colleges through programs designed to expand educational opportunity

would be realized, is to ask more of governmental protocols than are likely to be accomplished. The proposed Secretary should be in charge of education: that includes education research as well as the myriad of other functions with which he should be charged. The largest single reason for establishing the NIE function in the Department is to give promise to its extremely important responsibility for dissemination of its products. I happened to be the first Assistant Secretary to be charged with "supervision and direction" of both NIE and USOE. I found the articulation of these two agencies not only operationally feasible and compatible, but, consistent with the enabling legislation for NIE, essential.

Warm personal good wishes.

Sincerely,

S. P. Marland, Jr.
President

THE UNIVERSITY OF UTAH
SALT LAKE CITY 84112

GRADUATE SCHOOL
Office of the Dean

November 7, 1977

Corr

GOVERNMENTAL AFFAIRS COMM.
[illegible]
[illegible] 1977
[illegible]
[illegible], D.C. 20510

Senator Abraham Ribicoff
Chairman
United States Senate Committee
on Governmental Affairs
Washington, D.C. 20510

Dear Senator Ribicoff:

I appreciate your kind letter of October 26 inviting me to comment further on S.991, a bill under consideration by your Committee to create a Department of Education in the Federal Government. It was a great pleasure to meet with you briefly when I testified before the Committee.

1. In response to your first question, concerning the educational balance of the proposed Department, I will say with some assurance that as it is described in S.991 the Department would be very heavily weighted in the direction of elementary and secondary education and, as has been the case with the Office of Education in the past, higher education would come in for far less than adequate treatment. Perhaps vocational education will fare better than higher education, as it has done in the past in the Office of Education.

My suggestion to rectify this situation is, as I indicated in my formal testimony, that you include in the Department two agencies of the Government that now have such an important relevance to the research and teaching programs of higher education, the National Institutes of Health and the National Science Foundation, as well as the other governmental agencies relating to the mission of colleges and universities that are already accounted for in S.991.

It is simply impossible in universities today to separate the research and teaching functions. The strength of our entire educational establishment depends heavily upon adequate research funding by the Federal Government. I am sure that many will complain that inclusion of the NSF in the Department of Education would endanger its integrity and effectiveness. However, I think there is no justification for this fear. The NSF would thereby have representation in the President's cabinet, and the example of the NIH, already in the Department of Health, Education, and Welfare, should serve to indicate that an agency of this kind can prosper and work effectively within a departmental structure. At any rate, I think it is entirely clear that the Department of Education as presently described in S.991 does not adequately serve the needs of higher education.

2. As indicated in my testimony, I strongly support the inclusion in the Department of Education of the National Institute of Education. I testified before a Congressional Committee in support of the creation of the NIE as an agency independent of the Office of Education, and was Chairman of the Commission on Instructional Technology that recommended to the Congress and the President the creation of National Institutes of Education independently of the Office of Education. But those recommendations, at least as far as I was concerned, were made on the ground that the Office of Education as it is now constituted and as it now functions is not a satisfactory location for a high level research agency. The proposed Department of Education is a totally different matter. It should provide excellent housing for the NIE, which, incidentally, has until now been something of a disappointment. It has been inadequately funded and appears to have made little impact on education.

It seems to me that in the new Department the NIE, or its substantive equivalent, should retain its integrity as a research agency rather than have the Government's function relative to educational research dissipated throughout the Department. Of course, the NIE and the Science Education Directorate of the National Science Foundation might well be combined, or at least carefully correlated.

In reply to your question as to whether or not there should be an Assistant Secretary for Research, I would say yes, if the NIE and any other explicit components of the Department devoted to educational research are required to report directly to the Assistant Secretary, their administration being his/her primary responsibility. No, if the Assistant Secretary for Research does not have direct responsibility for such an operating component of the Department.

Please advise me if I can be of further service to you and

Senator Abraham Ribicoff
November 7, 1977
Page three

your Committee. Again, it was a pleasure to be with you the other day.

With kindest personal regards,

Very sincerely,

Sterling McMurrin

Sterling M. McMurrin
Dean

APPENDIX

PREPARED STATEMENT BY SENATOR HUBERT H. HUMPHREY

Mr. Chairman, I welcome this opportunity to strongly urge this Committee to give favorable consideration to the creation of a Cabinet-level Department of Education as part of the Federal reorganization of education functions.

Today Federal education programs number in the hundreds, costing billions of dollars. Post secondary education alone is directly affected by 400 different pieces of legislation. Approximately forty offices are deeply involved in educational grants, services and regulations. The formulation of educational policy has become very much a federal process shared not only among local and state education agencies and the national government, but also among the judiciary, the executive, and the legislature.

So many offices and institutions deal with education in the federal government, that speaking about an education policy is mere wishful thinking. Yet, even though education is left to the states in our system, this lack of coherent education policy on the federal level has caused an undue burden on state and local authorities. Much of this burden stems from the fragmenting of federal education decision and policy making. It is caused by a duplication and reduplication of requirements on local education authorities.

We must not forget that education in the United States is decentralized, with the responsibility falling heavily on state and local governments. The Federal role is one of protecting the general welfare of all our citizens, and not one of running local schools.

The result of our present system means that we have no coherent education policy; no effective federal leadership. It means dealing with bits and pieces. Most seriously, the result is a lack of adequate support by the federal government in improving education, and the lack of sufficient competency on the part of the federal government to carry out its real role in the education of the youth of our nation.

A Secretary of Education in the Cabinet would provide the opportunity for a higher level of leadership in education than has been possible in the past. It would convey to the American people and to the officials of the executive, legislative, and judicial branches of the Federal and State governments the importance that we as a nation place on education. But more importantly, consolidating and streamlining education functions of various federal agencies will provide a more efficient mechanism for the coordination of the numerous programs in a sensible, workable and effective framework.

Education is one of the nation's largest businesses. Upwards of 65 million Americans are directly involved in education. Education is the nation's second largest fiscal commitment. What the schools do shapes society for generations. All this is too important for its present second rate status in the federal hierarchy.

I have long been an advocate of a separate education department. The creation of such a department is long overdue. This is not the first time such legislation has been introduced. In the past, similar bills have been considered without any action being taken.

We can no longer afford to delay. Continued ineffective management of education programs could spell disaster for colleges and universities that depend on federal resources for stability. Lack of coordination could deprive local and state educational agencies of the level of support required to maintain the high standards of quality in education that we demand for our children. Restructuring and consolidation are the key elements in strengthening the federal effort and meeting the needs of the future. We must not wait any longer; we must act now.

We are the only major nation in the world that lacks a Cabinet-level post in education. A Federal Department of Education would not add to the levels of the Federal structure. Rather, it follows directly from President Carter's campaign pledges to streamline the bureaucracy, by incorporating all of the Federal education agencies into one department. Such a department would provide the national leadership and the assignment of responsibility in an area which has too long been neglected. Furthermore, it would put us in the best position to address the problems of our fragmented education effort which have been created by a lack of effective communication among Federal agencies.

The present Department of Health, Education, and Welfare simply cannot effectively supervise education programs. Its mountainous bureaucracy serves only to impede rather than expedite administration.

The need for a Department of Education has been more pressing.

A full-time Secretary of education would oversee all education efforts and speak with Cabinet-level authority to the President, the Congress, the Office of Management and Budget, and the American people. He would provide expert insight into existing programs, proposed programs, and program changes. He could more effectively make the case for deserving but struggling programs. He would be the Nation's chief policy planner for education.

Congress itself would benefit from a separate Department of Education. We could begin to deal with educational problems systematically, instead of piecemeal and haphazardly. Better information on education legislation would be available. We could more accurately determine whether a given program required strengthening, modification, or termination. In short, we could expect a more responsible and more responsive execution of education policy.

We must reaffirm and strengthen our commitment to the quality education of our young people. We cannot simply pay lip service to the importance of preparing our children to live in a rapidly changing world. We must provide the institutional means to set and implement our goals.

Establishing a Department of Education would represent a giant step toward these ends. We must take that step, and take it now.

Prepared Statement by Senator Daniel K. Inouye

Mr. Chairman, I appreciate this opportunity to express my views on the legislation now before this Committee which, if passed, will establish a separate and autonomous Department of Education. I am greatly heartened by the introduction of this bill both because it recognizes the important position that education occupies in our country and because it increases the possibility that the indispensable societal function of educating our youth will gain greater direction and strength.

American have always placed a great value on education. This comes first from a natural concern for our children and our desire that they attain the skills that will enable them to live fulfilling lives in the adult world. Secondly, it comes from the realization that since our nation and our world will be led by the next generation, we must impart to them the values and knowledge that will insure that future.

There was a time in American history that the important lessons were taught primarily by the family and only secondarily by the school. Today, however, changing social patterns and differences in the pace and style of life have increasingly placed this responsibility on the school. Formal public education has, and will continue to have, a profound effect on the lives of our children and on the future of our society.

We cannot then afford to allow a situation to continue that has a negative impact on the quality of education that our many federally funded education programs deliver.

The present inclusion of education under the HEW umbrella creates and perpetuates such a situation. I do not intend here to question the caliber of HEW's directors or staff. They do a good job, given the issues they must deal with and the structure under which they operate. However, certain glaring problems exist which make it nearly impossible for the Department to do an effective job where education is concerned.

To try to insure that all Americans have a fair chance to enjoy the good life that America can offer, the Department of Health, Education and Welfare must take on simultaneously, all such herculean tasks as welfare reform, control of inflationary health care costs and providing for accessible, high quality medical care. These and the many other health and welfare issues that must be immediately confronted are onerous enough. The numerous requirements of the field of education cannot be relegated to the back burner. Unfortunately, the nation's health and welfare problems are often more visible and therefore seem more pressing than those assaulting education. This encourages a low priority status on the HEW programs list for education.

The third place position, to which education is relegated, is supported by the Department's budgetary practices. Ninety percent of the HEW budget is designated as "uncontrollable". Funds for education, however, are often deemed "controllable" and thus cut. In an effort to keep their costs reasonable monies slated for educational programs have year after year been slashed. Moreover, funds for these projects have often been held up during the annual Congressional disputes over non-education matters in the HEW budget. The recent stalemate over FY '78 HEW appropriations on the abortion issue is a good example.

Further, the system is structured in such a way as to severely hinder the Federal government's ability to respond to America's education needs. There are currently more than 40 Federal departments, agencies and bureaus involved in some way or another in education matters. No one agency has complete authority to supervise, manage, and direct the $10 billion appropriated for education and manpower training programs. With so many uncoordinated actions, the natural result is a waste of time, money and effort for which nobody suffers but the taxpayer and the child.

The vast and disorderly nature of the Federal Government's Administration in meeting its responsibilities in this field is an additional detriment. No one person or organization is available to address the many financial and social crises that now confront education. Since no clear lines of authority are drawn, it is always somebody else's problem. Neither is there any one authority responsible for establishing the kinds of education standards and goals that should be met and to direct the nation towards their attainment. Lastly, there is no one office or director that can claim a comprehensive knowledge of the entire American education system and its workings, who can make me as a Senator aware of the issues involved in the field, who can provide me with the information that I or my constituents desire.

Mr. Chairman, the consequence is that education as a national responsibility is continually shoved aside and ignored. As a field that demands administration, it is ill-directed and practically without leadership. Many children in need of special training and guidance are left untouched. Schools and programs dependent on federal monies suffer instability, insolvency and a forced reduction of services. Under these circumstances, the kind of education that we can give our youth cannot help but be of mediocre quality. Many lives, I fear, may be blighted.

It is my belief that establishing a separate Department of Education will help rectify this situation. Under such a department, efforts would be consolidated and coordinated. The great waste of time, money and energy would be cut. A new high priority for education issues and programs would be achieved. Better funding would be assured. One department complete with expertise and understanding of the education problem would provide an invaluable resource to the Congress and people of America and most importantly, to one person, the cabinet minister who would head the department. That individual, having the ear of both the Congress and the Administration, would then prove a strong advocate for the case of education.

If we in America still have that real concern for the lives of our children and the future of our nation, it is our obligation to correct those persisting problems that prevent our youth from achieving their potential and from obtaining the best possible preparation for life that our country can offer.

PREPARED STATEMENT OF SENATOR SPARK MATSUNAGA

Mr. Chairman: I wish to commend you and your colleagues on the Committee on Governmental Affairs for convening hearings to examine the issue of establishing a new cabinet-level Department of Education, and I appreciate this privilege of presenting my testimony for the record.

The time to consider and, more importantly, to act upon legislation to create a U.S. Department of Education has never been so ripe and more propitious as it is now! Our nation has reached a juncture in the history of its federal organization where bureaucratic management—or mismanagement—has eroded efforts of the Federal Government to work more closely, cooperatively, and supportively with state and local educational communities. Time-consuming and costly reports administered by various federal agencies and departments are making it difficult for school officials, faculties, and students to concentrate their attention and activities on education, instruction, and learning.

More and more federal dollars are being fed into the mammoth Department of Health, Education, and Welfare (HEW), which now has a budget exceeding that of the Department of Defense! Yet, there still remains an urgent and real cry for stronger funding for education.

Profound changes in social trends are causing serious problems for American education. We are faced with the struggle of revitalizing our nation's economy; of combatting the high unemployment rates among our American youth, of restoring public confidence in the quality of education, and of assisting our state and local educational agencies confronted by declining school enrollments and spiraling school costs.

To provide greater recognition of and clearer visibility to education, a Department of Education is imperative! Education has become a major sector of the American economy and society. It is the nation's largest enterprise of students, teachers, administrators, and a host of education or training personnel who represent more than 30 percent of the entire U.S. population.

Since the creation of the U.S. Office of Education in 1867, Federal interest in and support for education has expanded into numerous and diverse frontiers of education services to gifted and talented children, handicapped children, and bicultural/bilingual children. It has provided financial support to research in the arts and the humanities. It has improved nutritional services offered in school meals programs.

The federal role in education has mushroomed over the past decade. Over 40 federal agencies and organizations administer at least 200 programs of federal aid to education, under a hodge-podge of rules and regulations which have either conflicted with or duplicated various Governmental efforts in education.

Education programs today are scattered among so many Government departments and agencies that they have become too unwieldy and fragmented for our nation to define and pursue educational directions or priorities at the federal, state, and local levels. There's a demonstrated need to coordinate and to rationalize the management of our wide-ranging, far-reaching, and complex educational programs and policies.

Since its creation in 1953, the Department of Health, Education and Welfare has experienced a growth in budget levels from under $2 billion to almost $160 billion for the fiscal year 1978. Yet, despite the federal dollars being poured into the mammoth department responsible for health, education, and welfare matters, educational concerns are still of such low priority within HEW, and they continue to be shortchanged.

HEW has reached he point of now being too massive, imbalanced, and inefficient in catering to and fulfilling educational needs and demands. Presently, the Department is exerting most of its efforts and concern to the development of new and complex national health insurance proposals, to regulating and controlling the widespread and costly abuses in the Medicare/Medicaid programs, to strengthening the Social Security program, to devising a new welfare program for citizens in need of public assistance, to coping with issues and problems of food and drug abuse, and to dealing with numerous civil rights matters.

A new executive Department of Education, having its own Secretary of Education, would afford the means to address exclusively and concentratedly on a range of education and education-related problems. Possessing the prestige and the visibility of cabinet status, a Secretary of Education would have a greater opportunity to bring educational concepts and interests to other areas of government than could our present assistant secretaries of education and subcabinet commissioner. The appointment of a Secretary of Education would further benefit Congress. As the Department official responsible for supervising and implementing education and its related programs, the Secretary of Education would be better informed of educational progress and needs, and could work more effectively with Congress when new authorizations and appropriations are made for education programs.

Because education is presently smothered in the administrative and bureaucratic structure of government, all to often educational interests and needs suffer from inadequate financial support.

In the fiscal year 1978 the HEW budget is almost $160 billion. Yet less than $10 billion is especially earmarked for education. The HEW budget nearly quadrupled between the year 1968 and 1978, growing from 23 percent of the total federal budget to 36 percent. On the other hand, educational outlays have only a little more than doubled, from $3.6 billion to $8.1 billion.

Education is very often shortchanged in the overall HEW budget, because it must compete for dollars within a department ruled by nondiscretionary, "uncontrollable" expenditures for health and welfare programs. Rising from $45 billion in 1970 to $132 billion in the 1977 budget, these uncontrollable increases in the HEW budget have provided an average annual increase of an estimated 15 percent, largely to cover costs for social security, Medicare/Medicaid, and public assistance programs. Such yearly increases are greater than the total budgetary allocation for educational programs now administered by HEW! Because most of the educational programs fall within the category of "controllable funds," budget freezes or even cuts in education programs are usually easier to make when demands on "uncontrollable" funds are pressing.

Placed in a separate department, education would be better able to gather greater financial support and resources. The financial crisis in education is becoming more and more pronounced. Escalating costs and objections by taxpayers are forcing school districts to make drastic budget cuts. Local and state funds, representing 48.4 percent of the school dollar and 43.4 percent, respectively, are drying up. The federal share of the elementary and secondary school funding, currently at 8.2 percent of the school dollar, could be further strengthened by streamlining, consolidating, and coordinating more effectively educational programs to yield larger savings.

As a sponsor of S. 894 and a cosponsor of S. 991, bills to create a new Department of Education, I congratulate you, Mr. Chairman, and members of the Committee in initiating this inquiry. The Committee faces a difficult task of designing a Department of Education comprised of the most appropriate and necessary functions and agencies impacting on education in America. Your consideration over the past few days and within the ensuing months on the matter of establishing a cabinet-level Department of Education is a major step in a positive direction. You may be assured of my interest, support, and assistance in making this Department a reality.

STATEMENT OF HON. LARRY PRESSLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH DAKOTA

I would like to take this opportunity to add my support to the efforts of Senator Abraham Ribicoff and the Government Affairs Committee in a matter of great importance to the quality of education in the United States. It is time to take the "E" out of HEW, and create a Cabinet-level Department of Education.

Since its creation in 1953, the Department of Health, Education, and Welfare has become the most all-encompassing Cabinet-level department in the federal government. Nearly 59.4 million—almost one-third—of this country's 202 million citizens are currently enrolled in some program of education, ranging from the youngest nursery school student to the doctoral candidate. I seriously question whether the educational needs of so many people are, or can be, effectively handled under HEW—which now handles everything from the health care needs of the newborn to the mailing of Social Security checks to our elderly.

I have introduced legislation—H.R. 6508—which would establish a Secretary of Education at the Cabinet level. It is my belief that the Commissioner of Education—who is currently under the Secretary of Health, Education and Welfare—should be given the job of representing the needs of education in the Cabinet, and similarly, I believe that we could avoid the extra administrative costs of establishing an entirely new department by utilizing existing facilities and personnel. Employees, facilities, and programs involved with education—which are now scattered throughout the Department of Health, Education and Welfare—should be streamlined into one cost-efficient Department of Education.

The future of this country depends on the education that its citizens receive today—and I feel we cannot serve the nation's education needs effectively until there is a Cabinet-level Secretary of Education.

Taking a government authority for eduction out of HEW and putting it in a Cabinet-level department would give education the priority it deserves, and must have, in this country.

Thank you for your work for the betterment of education. I trust that in working together toward a common goal—the creation of a Department of Education—we may see that goal realized during the 95th Congress.

PREPARED STATEMENT OF HON. CEC HEFTEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

Mr. Chairman: It is my pleasure to present testimony in support of legislation to create a separate Department of Education. As the original House sponsor of identical legislation, I am extremely pleased that these hearings are being held and am quite impressed by the list of witnesses scheduled to testify.

As we all know, the Administration is in the process of studying the reorganization of the federal government. Although President Carter supported the concept of a separate Cabinet-level Department of Education during the Presidential campaign, no word has since come from the White House on this important national issue. It is my understanding that the Administration is awaiting the outcome of congressional action before finalizing its decision. We must now give them proof of our concern, interest and the necessity to create this separate department.

Today in America, education is in serious trouble—from lack of direction to lack of finances. Our children are graduating from secondary schools without the basic skills to enable them to function intelligently in our complex society. Violence permeates the atmosphere in many of our schools and students find themselves living in fear rather than concentrating on study. Basic skills have become survival tactics. Schools are also threatened by financial instability and the inability to meet increasing costs of instruction.

Currently, our nation's education programs are divided among over twenty Federal agencies. In addition to this fragmentation, education is but a component of the vast Department of Health, Education and Welfare. How can education receive the attention and leadership it deserves when it represents only 6 percent of the total HEW budget? It is inconceivable to believe that one department can devote enough time and energy to the three super giants—welfare, health and education. Out of necessity one area will suffer, and this has traditionally been education.

A critical analysis would tell us that education is too important to be fragmented and too important to be lowest in priority in a multifaceted agency. At a time when we are focusing on the need to streamline our government and act responsively to the people, a separate Department of Education is a natural beginning.

Again, I commend the Senate for its expeditious action in this regard and promise that I will do my part in encouraging the House of Representatives to act accordingly.

LETTER FROM JOHN W. PORTER, PRESIDENT, CHIEF STATE SCHOOL OFFICERS, AND MICHIGAN STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

COUNCIL OF CHIEF STATE SCHOOL OFFICERS,
Washington, D.C., October 6, 1977.

Hon. ABE RIBICOFF,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR RIBICOFF: I am in receipt of the letter of October 5 from Senator Nunn and you inviting me to appear before the Senate Committee on Governmental Affairs on October 13 to present testimony on behalf of S. 991.

As I indicated to your staff, I regret very much that the schedule of these hearings had to be postponed from October 5 until October 13. This delay makes it impossible for me to appear personally before the Committee in support of this very important legislation, as President of the Council of Chief State School Officers.

However, on Tuesday, October 4, the Michigan State Board of Education instructed me, as Chairman, and the President of the Board to transmit to President Carter the enclosed resolution indicating our full support of a separate cabinet level Department of Education.

Finally, I have asked John Adams, the Counsel of Chief State School Officers Legislative Liaison, to consult with another Chief State School Officer who will appear at 10:00 a.m. in Room 3302 to give testimony on behalf of our organization. This is a very important piece of legislation and one which I personally support, the Michigan State Board of Education supports, and the Council of Chief State School Officers vigorously supports. You are to be congratulated on your leadership in pushing for the establishment of such an agency at the federal level.

Sincerely,

JOHN W. PORTER.

STATE OF MICHIGAN—STATE BOARD OF EDUCATION

RESOLUTION

S-991—THE DEPARTMENT OF EDUCATION ACT OF 1977

Whereas, education is the Nation's largest business, consisting of 65 million students, teachers, and administrators; and

Whereas, each succeeding year the federal government becomes more involved with education at the local and state levels; and

Whereas, a Secretary of Education would have access to the White House and greater prestige with the Congress; now, therefore, be it

Resolved, That the Michigan State Board of Education encourages support of S-991, the Department of Education Act of 1977, by the Michigan Congressional Delegation; and be it further

Resolved, That our two United States Senators be requested through this resolution to lend their influence toward the adoption by the United States Senate of S-991; and be it finally

Resolved, That a copy of this resolution be distributed to: U.S. Senators Griffin and Riegle; the 19 Michigan members of the House of Representatives; Senator Abraham Ribicoff of Connecticut; Secretary of Health, Education, and Welfare Joseph Califano; U.S. Commissioner of Education Ernest Boyer; and Vice President Walter F. Mondale.

Adopted June 8, 1977.

Carnegie Council on Policy Studies
in Higher Education
2150 SHATTUCK AVENUE BERKELEY, CALIFORNIA 94704 (415)849-4474

CLARK KERR
CHAIRMAN

October 6, 1977

GOVERNMENTAL AFFAIRS COMM.
RECEIVED
OCT 10 1977
WASHINGTON, D.C. 20510

The Honorable Abraham A. Ribicoff
Chairman
Committee on Governmental Affairs
U. S. Senate
3308 New Senate Office Building
Washington, D.C. 20510

Dear Senator Ribicoff:

In fulfilling your request of October 6, 1977, for a statement for the Record on Senate Bill 991, I am enclosing a copy of the Carnegie Council's report, Federal Reorganization.

Sincerely,

Clark Kerr
Clark Kerr

Enclosure

FEDERAL REORGANIZATION

Education
and
Scholarship

A report of
the Carnegie Council
on Policy Studies
in Higher Education

FEDERAL REORGANIZATION

Education and Scholarship

A REPORT OF THE CARNEGIE COUNCIL
ON POLICY STUDIES IN HIGHER EDUCATION

A report of the
Carnegie Council
on Policy Studies
in Higher Education

FEDERAL REORGANIZATION

Education and Scholarship

FEDERAL REORGANIZATION
Education and Scholarship
The Carnegie Council on Policy Studies in Higher Education

Copyright © 1977 by: The Carnegie Foundation
for the Advancement of Teaching

Copyright under International, Pan American, and Universal Copyright Conventions. All rights reserved. No part of this publication may be reproduced in any form—except for brief quotation (not to exceed 1,000 words) in a review or professional work—without permission in writing from the Carnegie Foundation for the Advancement of Teaching.

This report is issued by the Carnegie Council on Policy Studies in Higher Education with headquarters at 2150 Shattuck Avenue, Berkeley, California 94704.

Copies are available from the Council's offices.

Price: $1.00

March 1977

Manufactured in the United States of America

DESIGN BY WILLI BAUM

The Carnegie Council Series

The Federal Role in Postsecondary Education: Unfinished Business, 1975–1980
The Carnegie Council on Policy Studies in Higher Education

More than Survival: Prospects for Higher Education in a Period of Uncertainty
The Carnegie Foundation for the Advancement of Teaching

Making Affirmative Action Work in Higher Education: An Analysis of Institutional and Federal Policies with Recommendations
The Carnegie Council on Policy Studies in Higher Education

Presidents Confront Reality: From Edifice Complex to University Without Walls
Lyman A. Glenny, John R. Shea, Janet H. Ruyle, Kathryn H. Freschi

Progress and Problems in Medical and Dental Education: Federal Support Versus Federal Control
The Carnegie Council on Policy Studies in Higher Education

Educational Leaves for Employees: European Experience for American Consideration
Konrad von Moltke, Norbert Schneevoigt

Low or No Tuition: The Feasibility of a National Policy for the First Two Years of College
The Carnegie Council on Policy Studies in Higher Education

Managing Multicampus Systems: Effective Administration in an Unsteady State
Eugene C. Lee, Frank M. Bowen

Challenges Past, Challenges Present: An Analysis of American Higher Education Since 1930
David D. Henry

The States and Higher Education: A Proud Past and a Vital Future
The Carnegie Foundation for the Advancement of Teaching

Faculty Bargaining in Public Higher Education: A Report and Two Essays
The Carnegie Council on Policy Studies in Higher Education, Joseph W. Garbarino, David E. Feller, Matthew W. Finkin

Federal Reorganization: Education and Scholarship
The Carnegie Council on Policy Studies in Higher Education

The following technical reports are available from the Carnegie Council on Policy Studies in Higher Education, 2150 Shattuck Avenue, Berkeley, California 94704.

The States and Higher Education:
A Proud Past and a Vital Future,
Supplement to a Commentary of
The Carnegie Foundation for the
Advancement of Teaching
The Carnegie Foundation for
the Advancement of Teaching

Changing Practices in Undergraduate Education
Robert Blackburn, Ellen Amrstrong,
Clifton Conrad, James Didham,
Thomas McKune

Aspects of American Higher
Education 1969–1975
Martin Trow

Contents

Foreword ix

Comments on Reorganization—An Input to the Discussion 1

Appendix: Federal Postsecondary Education Programs as of Fall 1974 10

Foreword

The federal government is approaching a new round of consideration of administrative reorganization, including in the areas of education and of support for scholarly endeavors.

The Carnegie Council on Policy Studies in Higher Education, and its predecessor Carnegie Commission on Higher Education, have had a long-time interest in federal programs affecting postsecondary education and have issued several reports on the subject.[1] Out of this background, the Council sets forth below several observations about and proposals for reorganization for consideration by those who will be making the decisions. It seeks to do so to help assure the best service to the public interest broadly defined. The Council does not consider postsecondary education to have been neglected within the Department of Health, Education, and Welfare in the decade and a half since it became an important element within the Department. On the contrary, postsecondary education has generally been well treated. The concern of the Council is rather that the federal government, in view of its substantial experience with expanded education programs in recent years and with the overall operation of HEW—which has been the fastest growing department in the national government—and in consideration of the vast problems ahead, particularly in the health care and income maintenance fields, might well improve its organizational structure with benefit to public service.

---

[1] *Quality and Equality: New Levels of Federal Responsibility for Higher Education*, December 1968 (and *Quality and Equality*, revised recommendations, June 1970); *Higher Education and the Nation's Health: Policies for Medical and Dental Education*, October 1970; *Institutional Aid: Federal Support to Colleges and Universities*, February 1972; *The Federal Role in Postsecondary Education: Unfinished Business, 1975–1980*, April 1975; *Low or No Tuition: The Feasibility of a National Policy for the First Two Years of College*, April 1975; *Making Affirmative Action Work in Higher Education: An Analysis of Institutional and Federal Policies with Recommendations*, October 1975; *Progress and Problems in Medical and Dental Education: Federal Support versus Federal Control*, September 1976.

We believe that organization does matter. The very existence of an agency creates the capacity to act in the areas of its assigned jurisdiction. The location of an agency in the federal hierarchy is an important statement of the comparative importance of the activity involved, and gives recognition to it. The specifics of organizational arrangements can contribute positively or negatively to the relationships among functionally linked endeavors, to the overloading of top executives on the one hand or undue fragmentation of efforts on the other, and to the ability of government to take a comprehensive view of programs that affect one another.

We present the comments that follow as one contribution to the current discussion of reorganization. We acknowledge that the very process of reorganization has a disturbing influence and that careful calculation needs to be made of whether the short-term costs of disturbance outweigh the long-term advantages. We also acknowledge that there are many ways of organizing almost any large-scale and complex endeavor. We do not believe that our suggestions below are a one and only solution. But we present them as one alternative approach that warrants consideration along with other alternatives, or no action at all.

We note that the Rufus Miles report published by the American Council on Education[2] has an excellent presentation of historical background and present practice, although the proposals in that report for a Cabinet-level Department of Education are quite different from ours below. We believe that the suggestions we set forth, however, are quite consistent with the "working principles" proposed by the American Council on Education.[3] Those principles are essentially that (1) "education needs to be elevated in status;" (2) there needs to be more interagency "cooperation on educational matters;" (3) "any organizational change should strengthen the tradition of state and local and private control of education;" and (4) "educational authority" should be lodged "within HEW at the level of Under-Secretary, or at the level of a divisional Secretary if a DOD-type organization is selected."

---

[2] Miles, R. E., Jr. *A Cabinet Department of Education: Analysis and Proposal.* Washington, D.C.: American Council on Education, 1976.

[3] See letter of Roger W. Heyns to Joseph A. Califano, Secretary, Health, Education, and Welfare, January 26, 1977.

We express appreciation to Frederick M. Bohen, formerly senior program associate of the Council, for his earlier assistance in preparation of this report. We note that one member of the Council, Lois Rice, wishes to abstain from endorsing this report. Within the Council there are several different views about reorganization and several different emphases on what is most important to be done. With the exception noted, however, a general consensus exists that the proposals set forth below merit serious consideration and could, on balance, improve federal operations in the areas of our special concern.

William Bowen
President
Princeton University

Nolen M. Ellison
President
Cuyahoga Community College

Elbert K. Fretwell, Jr.
President
State University of New York
College at Buffalo

Philip R. Lee, M.D.
Professor of Social Medicine and
Director, Health Policy Program
University of California,
San Francisco

Margaret L. A. MacVicar
Associate Professor of Physics
Massachusetts Institute of Technology

Rosemary Park
Professor of Education Emeritus
University of California, Los Angeles

James A. Perkins
Chairman of the Board
International Council for
Educational Development

Alan Pifer, *ex officio*
President
The Carnegie Foundation for
the Advancement of Teaching

Joseph B. Platt
President
Claremont University Center

William M. Roth
Regent of the University of
California

Stephen H. Spurr
Professor
LBJ School of Public Affairs
University of Texas

Clark Kerr
Chairperson
Carnegie Council on Policy Studies
in Higher Education

Comments on Reorganization —An Input to the Discussion

A reorganization of the federal government in the areas of education and support for scholarship, and in certain administratively related programs, might serve the following purposes:

> Give greater visibility and a higher level of administrative attention to education and to the pursuit of knowledge that is more nearly commensurate with their contributions to national growth and welfare, while recognizing that responsibilities are shared with the states, local governments, private institutions, and individuals
>
> Provide better coordination of policies and programs across the spectrum of federal agencies, thus making possible more effective use of expenditures and better delivery of services and information, and do this without establishing a monolithic control over educational and research activities
>
> Relieve the heavy burdens now placed on the Department of Health, Education, and Welfare, with its very large staff and immensely complex assignments

To accomplish these purposes, the following possibilities are suggested:

1. *Establish the position of Under-Secretary (or Secretary) of Education, Research, and Advanced Studies within HEW*. This would substantially raise the level of attention to education. We also suggest,

below, more important duties for this position than are now carried by any comparable post in the federal government. In particular, such a position would combine an interest in education with a concern for the advancement of knowledge—a natural and productive combination. It would reflect the rise of the federal government as the main source of support for basic research, and the by now very influential position of the federal government in the development of higher education.

We are doubtful of the need to create a new Cabinet-level Department of Education. Such a department (1) would be a comparatively small department within the federal hierarchy, and one subject to some diminution of activities if more of the responsibility for program funds in elementary and secondary education is delegated to the states, as may well happen; (2) would exist in any event in an area of relative program stability due to prospects for little or no enrollment growth or even some reduction from current levels, as compared with rapidly expanding federal interests and expenditures in such areas as energy, health care, and income maintenance which are bound to demand more and more attention; (3) might imply that the federal government was assuming basic responsibility for education (as do the ministries of education in a number of foreign countries), while, in fact, such responsibility now rests, and we believe should continue to rest, with the states and localities and private entities; and (4) might tend to give more attention to elementary and secondary education than to higher education—particularly if it merely involved, as some proposals suggest, an elevation of the Office of Education to departmental status, since the Office of Education historically has concentrated on the concerns of primary and secondary education. Only within very recent years in the course of its long history, has the OE had any substantial interest in postsecondary education.

We suggest that the creation of any new federal departments might better be reserved for larger and faster-growing areas of federal interest and for areas in which the federal responsibility is constitutionally more fundamental.

A first corollary of this proposal to establish the position of Under-Secretary (or Secretary) would be to raise the status of

Table 1. Office of Education budget (in millions of dollars)

	1950[a]	1960[b]	1976[c]
Elementary, secondary, handicapped and vocational programs	$ 34	$317	$3,787
Postsecondary education programs	5	119	2,758
Total OE (includes administrative salaries, funds for public libraries)	158	460	6,814

[a] Total of OE figure includes $117 million in surplus property transfers to educational institutions (level not specified). U.S. Office of Education, *Biennial Surveys 1949–50*. Washington, D.C.: U.S. Government Printing Office.

[b] National Center for Education Statistics, *Digest of Education Statistics, 1975 Edition*, Table 146. Washington, D.C.; U.S. Government Printing Office, 1976.

[c] *Special Analyses, Budget of the U.S. Government, Fiscal Year 1978*, Tables I-1 and I-2. Washington, D.C.: U.S. Government Printing Office, n.d.

the top administrators of the present four major operating divisions of the Office of Education (Bureau of School Systems, Bureau of Occupational and Adult Education, Bureau of Education for the Handicapped, and Bureau of Postsecondary Education). If this is done, some combination of bureaus might be in order, as well as some reassignment of the organizational locations of the Office of Indian Education, the Fund for the Improvement of Postsecondary Education, the National Institute of Education, and the National Center for Educational Statistics. In any event, transfer of Head Start into the educational area may be in order; it is now under the Assistant Secretary for Human Development.

We suggest this elevation of status because federal support for education has grown enormously in the past decade and a half—the OE budget has risen about 15 times over in just 15 years (see Table 1).[1] Federal support of postsecondary education through all agencies has grown especially rapidly, and the federal government is now close to being an equal partner with the states and localities in terms of financial contribution (see Table 2).

A second corollary is that the Under-Secretary (or Secretary) would assume the duties of the Commissioner of Education. This would eliminate the confusion, the duplication of effort,

---

[1] The OE budget was under $600,000 in 1932, compared with over $6,000,000,000 today—a ten-thousand-fold increase.

Table 2. Estimated expenditures by the federal government on educational and research programs through all agencies, compared with state and local funds (in billions of dollars)

	Federal funds Dollars/Percentage		Local and state funds Dollars/Percentage		Total Dollars/Percentage	
Elementary and secondary schools, public and nonpublic	$ 5.5[a]	9	$56.2[a]	91	$61.7	100
Higher education, public and nonpublic	10.3[b]	45	12.5[c]	55	22.8	100
Total	15.8	19	68.7	81	84.5	100

[a] Source: National Center for Education Statistics, *Digest of Education Statistics, 1975 edition,* Table 22. Washington, D.C.: U.S. Government Printing Office, 1976.

[b] Based on *Special Analyses, Budget of the U.S. Government, FY 1977.* Washington, D.C.: U.S. Government Printing Office.

[c] Based on unpublished data supplied by Center for Research and Development in Higher Education, University of California, Berkeley.

and the rivalry between the present positions of Assistant Secretary and Commissioner. Whatever else happens, this unnecessary and unclear duality of supervisors should be eradicated.

2. *Make the Under-Secretary (or Secretary) of Education, Research, and Advanced Studies the chairperson, with appropriate staff assistance, of three important coordinating councils.* These councils would consider overall federal policy in their areas of competence and would each render an annual report to the President and to the Congress on developments in their assigned fields with recommendations for future changes:

   Council on Educational Programs. Well over 300 programs in postsecondary education alone exist in at least 25 federal agencies.[2] There are, in addition, 90 to 100 separate programs for elementary and secondary education. No adequate mechanism is now in place even for the exchange of information among them, let alone careful examination of duplications and inconsistencies. There is a federal interagency committee on education, but it is ineffective, and essentially without leadership or responsibility.

---

[2] See Appendix for a listing of federal programs in postsecondary education. Eighteen standing committees of the House and 16 of the Senate have oversight of one or more education programs. See Robert C. Andringa, "Capitol Hill—An Insider's View," *AGB Reports,* Vol. 18, No. 5 (September/October 1976) p. 12.

Council of Institutes of Research and Advanced Studies. No mechanism now exists for joint consideration of the total support by the federal government of advances in basic knowledge, and particularly as these advances take place within higher education. The overall flow of funds and of support for graduate students would be among the concerns of this council, as would be the changing contributions of new knowledge to the national welfare. We suggest that at least the following agencies, each established on an autonomous basis with its own presidentially appointed board and director, be members of this council:

National Endowment for the Arts
National Endowment for the Humanities
National Institutes of Health
National Oceanic and Atmospheric Administration
National Science Foundation

These agencies have common interests, including the preservation of their professional integrity and institutional independence. Other agencies might be added later.

Council on Student Aid. Student aid is now scattered in several agencies, particularly HEW, Social Security Administration, and Veterans Administration. No agency now looks at federal student aid in its entirety or seeks to coordinate it with increasing state efforts.

3. *Simplify the Department of Health, Education, and Welfare,* which now spends more money than any other federal department and has the second largest total personnel (see Table 3), either (a) by assigning income-maintenance programs to the Department of Labor or (b) by creating a new Department of Health.
   (a) One alternative is to transfer income-maintenance programs to the Department of Labor, making it a Department of Labor and Human Resources. HEW might then become a Department of Health, Education and Science. The Department of Labor and Human Resources would concentrate its attention on *work,* with income maintenance related, to the extent possible, to the encouragement of productive work and to the necessary support of the working population. The Department of Health, Educa-

Table 3. Outlays and personnel of Cabinet-level Departments, 1976

Department	1976 outlays (millions of dollars)	Full-time permanent civilian personnel, June 30, 1976
Agriculture	$ 12,796	80,413
Commerce	2,020	28,823
Defense	88,036	922,386
Health, Education, and Welfare	128,785	136,462
Housing and Urban Development	7,079	14,942
Interior	2,293	59,130
Justice	2,242	51,201
Labor	25,727	14,471
State	1,062	22,634
Transportation	11,936	71,593
Treasury	44,335	107,877

Sources: The United States Budget in Brief, Fiscal Year 1978; Table 4: "Budget Authority and Outlays by Agency (in millions of dollars)"; and Table 8: "Summary of Full-Time Permanent Civilian Employment in the Executive Branch." Washington, D.C.: U.S. Government Printing Office.

tion, and Science would concentrate on *growth,* through better health, higher skills, and greater knowledge. The other great policy problem, aside from health care, now before the present HEW is income maintenance. Placing income-maintenance policy and administration in the Department of Labor and Human Resources would clearly reduce the burdens of the current HEW.

(b) Health is increasingly a federal responsibility—about 40 percent of all expenditures on health are already federalized (for the aged, the poor, members of the armed forces, members of the merchant marine, and so forth). Some form of health insurance, with supervision of health-care practices, is a distinct possibility.

Enormously complex policy considerations remain to be explored. If health were to be transferred into a new department, then the present HEW would become a Department of Education and Welfare, and there would be a separate Department of Health. We suggest, however, that such a possibility be deferred until a clearer view is available of the future shape of the national health care program. We are also very hesitant about splitting health and education into separate departments because these two fields, at the level of postsecondary education, are strongly related to each other through research activities and high-level manpower training. We see less logical connection, on the contrary, between education and welfare support programs.

Our current preference between these two alternatives is for alternative (a). Struggling with the policy, fiscal, and administrative complexities of both health care and income maintenance places a very heavy burden on the secretary of HEW. Also, we believe that there is a natural connection between work and income maintenance, and a natural connection among health, education, and science. These connections, reflected in administrative arrangements, can give greater coherence to federal policy and administration.

These two alternatives are set forth in Figure 1. Table 4 shows the current distribution within HEW of dollar expenditures and of personnel among health, education, and welfare activities. We point out (1) that whatever department includes income maintenance and related programs will have the largest budget in the federal government because of the size of this budget alone; and (2) that only 3,500 personnel in HEW are engaged in aid to education—this is about one-quarter the personnel in the next smallest Cabinet department (see Table 3).

Figure 1.

Alternative (a)

Department of Labor and
Human Resources
and
Department of Health, Education,
and Science

Alternative (b)

Department of Health
and
Department of Education
and Welfare

Alternative (c)

Department of Labor and Human Resources
and
Department of Health
and
Department of Education and Science

Table 4. Department of Health, Education, and Welfare, outlays and personnel, fiscal year 1976

Functional category	Millions of dollars	Personnel (full-time, permanent)
Health outlays	32,890	47,223
Aid to education[a]	7,839	3,500
Income security benefits and social services	88,016	78,675
Other HEW activities	40	7,064[b]
Total	128,785	136,462

[a] This includes funds and personnel for educational programs outside of the Office of Education.

[b] Employees in the office of the Secretary.

Sources: The Budget of the United States Government, Fiscal Year 1978, Table 15, Washington, D.C.: U.S. Government Printing Office; and direct information supplied by the U.S. Department of Health, Education, and Welfare.

We note that, if both of these alternatives were eventually put into operation, there would remain a Department of Education and Science (Alternative c, Figure 1).

In any event, because of the close connection between adequate training and productive employment, federal programs concerned with on-the-job training (including apprenticeships) and with training and placement for the unemployed and underemployed probably should be concentrated in the Department of Labor. We make a distinction, albeit difficult to translate into practice, between broad vocational and career education within institutions of education on the one hand, and specific job training and placement on the other. Broad vocational and career education would remain with Education. This differentiation of functions might involve a transfer to the Department of Labor of the work-incentive program, programs for adult disadvantaged persons, and possibly other carefully selected programs.

We make the following additional comments:

1. The cost of any reorganization is some temporary loss of attention to new policies and to current administration. The long-term benefits should clearly outweigh the short-term costs.
2. No organizational arrangements are perfect. The choice is always between differently flawed alternatives.

3. Comparatively small steps, as some of the above, should be considered along with major reorganizations.
4. Any reorganization of government departments also implies some possible reorganization of (a) the Office of Management and Budget and (b) congressional committees. We note, in passing, that the Senate had a Committee on Labor and Public Welfare, which has now become the Committee on Human Resources.
5. Reorganization is only a clear improvement if it makes possible better policies and programs, or draws more qualified and talented personnel, or both.
6. Organizational structures are not an end in themselves, but a means to an end. They should be subject to change as effective service to the chosen ends requires.

In summary, we suggest these possibilities for consideration:

1. Development of a Department of Health, Education, and Science organized around the theme of growth;
2. Development of a Department of Labor and Human Resources, absorbing the welfare responsibilities of the present HEW, organized around the theme of work;
3. Establishment of an Under-Secretary (or Secretary on the DOD model) of Education, Research, and Advanced Studies, within the Department of Health, Education, and Science, while elevating the status and redefining the functional responsibilities of the bureau chiefs within the present Office of Education; and
4. Assignment to this Under-Secretary (or Secretary), among other duties, of coordinating responsibilities throughout federal agencies for:

   Educational programs, through a Council on Educational Programs,

   Basic research and scholarship, through a Council of Institutes of Research and Advanced Studies, while preserving the essential independence of the individual institutes, and

   Student financial aid, through a Council on Student Aid.

Appendix

Federal Postsecondary Education Programs as of Fall 1974

DEPARTMENT OF AGRICULTURE

Agricultural Reserach Service
  Basic and Applied Research

Cooperative State Research Service
  Grants for Scientific Research
  Cooperative Forestry Research
  Payments to Agricultural Experiment Stations
  Rural Development Research

Extension Service
  Cooperative Extension Service

Forest Service
  Forestry Cooperative Research
  Forestry Research

DEPARTMENT OF COMMERCE

Economic Development Administration
  Economic Development—Grants and Loans for Public Works and Development Facilities
  Economic Development University—Centers Program

Maritime Administration
  U.S. Merchant Marine Academy
  State Marine Schools

Source: Christoffel, P., and Rice, L. *Federal Policy Issues and Data Needs in Postsecondary Education: Final Report to the National Center for Education Statistics.* Washington, D.C.: U.S. Government Printing Office, 1975.

National Oceanic and Atmospheric Administration
- Sea Grant Support

DEPARTMENT OF DEFENSE

Defense Civil Preparedness Agency
- Civil Defense Education
- Civil Defense Staff College
- Civil Defense Staff College—Student Expense Program
- Civil Defense University Extension

Defense Supply Agency
- Machine Tool Loan to Educational Institutions

Office of the Secretary
- Off-Duty Education
- Overseas Dependents Education
- Professional Education
- Research and Development
- Reserve Officers Training Corps (ROTC)
- Service Academies

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Administration on Aging
- Aging—Special Programs for the Aging

Alcohol, Drug Abuse, and Mental Health Administration
- Alcohol Research Development Awards
- Alcohol Research Programs
- Alcohol Training Programs
- Drug Abuse Development Awards
- Drug Abuse Research Manpower Fellowship Program
- Drug Abuse Research Programs
- Drug Abuse Training Programs
- Mental Health Fellowships
- Mental Health Research Development Awards
- Mental Health Research Grants
- Mental Health Training Programs

Center for Disease Control
- Disease Control Laboratory Improvement
- Disease Control Research Grants
- Disease Control—Smoking and Health
- Disease Control—Training Public Health Workers
- Disease Control—Venereal Disease
- Occupational Health Demonstration Grants
- Occupational Research Grants
- Occupational Health Training Grants

Food and Drug Administration
- Food Research Training Grants
- Food Research Grants

Radiological Health Research Grants
Radiological Health Training Grants

Health Resources Administration
Associated Health Educational Assistance—Special Programs
Associated Health Professions—Special Improvement Grants
Associated Health Professions—Special Projects Grants and Contracts
Associated Health Professions—Traineeship Grants
Comprehensive Health Planning—Training, Studies, and Demonstrations
Auxiliary Utilization Training Grants
Dental Health Continuing Education Training Grants
Family Medicine—Training Grants
Graduate Training in Public Health—Project Grants
Health Manpower Education Initiative Awards
Health Professions Capitation Grants
Health Professions—Financial Distress Grants
Health Professions—Scholarships
Health Professions—Special Projects
Health Professions—Start-Up Assistance and Conversion Grants
Health Professions—Student Loans
Health Professions Teaching Facilities—Construction Grants
Health Professions Teaching Facilities—Loan Guarantees and Interest Subsidies
Health Professions Teaching Personnel—Training, Traineeships, and Fellowships
Health Services Research and Development—Fellowships and Training
Health Services Research and Development—Grants and Contracts
Nurse Scientist Graduate Training Grants
Nurse Training Improvement—Special Projects
Nursing Capitation Grants
Nursing Professions—Talent Utilization
Nursing Research Project Grants and Contracts
Nursing Scholarships
Nursing School Construction
Nursing Schools—Financial Distress Grants
Nursing Student Loans
Professional Nurse—Traineeships
Professional Public Health Personnel—Traineeships
Regional Medical Programs (RMPs)
Schools of Public Health—Grants
Special Predoctoral and Postdoctoral Fellowships in Nursing Research

Health Services Administration
Crippled Children's Services
Dental Health of Children
Emergency Health—Community Preparedness

Emergency Medical Services Systems Research
Family Planning Projects
Family Planning Research—Service Delivery Improvement
Family Planning Services—Training Grants and Contracts
Health Care of Children and Youth
Intensive Infant Care Projects
Maternal and Child Health Research
Maternal and Child Health Services
Maternal and Child Health Training
Maternal and Infant Care Projects

National Institutes of Health
Allergy and Infectious Diseases
Arthritis, Metabolism and Digestive Diseases
Cancer

Cancer—Construction
Cancer—Research Centers
Cancer Research Manpower
Child Health and Human Development
Dental Research
Environmental Health Sciences
Eye Research
General Medical Sciences
Heart and Lung Research
Biomedical Communications Research Contracts
Biomedical Scientific Publications Grants
Medical Library Assistance—Library Research Grants
Medical Library Assistance—Research Grants
Medical Library Assistance—Special Scientific Project Grants
Medical Library Assistance—Training Grants
Neurological Diseases and Stroke
Animal Resources
Animal Resources—Fellowships
Animal Resources—Training
Biotechnology Resources
General Clinical Research Centers
General Research Support Grants
Minority Schools Biomedical Support

Office of the Assistant Secretary for Education
Fund for the Improvement of Postsecondary Education

Office of Education
Educationally Deprived Children—Handicapped
Handicapped Early Childhood Assistance
Handicapped Innovative Programs—Deaf-Blind Centers
Handicapped Media Services and Captioned Films
Handicapped Physical Education and Recreation Training
Handicapped Regional Resource Centers
Handicapped—Research and Demonstration

Handicapped Teacher Education
Special Programs for Children with Specific Learning Disabilities
Educational Personnel Development—Educational Leadership
Educational Personnel Development—Media Specialists
Educational Personnel Development—Pupil Personnel Specialists
Educational Personnel Development—Urban/Rural School Development
Educational Personnel Training—Special Education
Educational Staff Training—School Personnel Utilization
Teacher Corps—Operations and Training
Teacher Training in Developing Institutions
Training of Teacher Trainers
Vocational Education Personnel Development Awards
Vocational Education Personnel Development—Professional Personnel Development for States
Emergency School Aid Act

Basic Educational Opportunity Grant Program
College Personnel Development—Allen J. Ellender Fellowships
College Personnel Development, Fellowships—Fellowships for the Disadvantaged
College Teacher Graduate Fellowships
Cuban Education—Student Loans
Supplemental Educational Opportunity Grants (SEOG)
Higher Education Facilities Construction
Higher Education Academic Facilities Construction—Interest Subsidization
Higher Education Academic Facilities—State Administration
Higher Education Act Insured Loans
Higher Education—Cooperative Education
Higher Education—Cost for Veterans' Instruction
Higher Education—Land-Grant Colleges and Universities
Higher Education Development—Institutes and Short-Term Training
Higher Education Personnel Fellowships
Strengthening Developing Institutions
Higher Education Work-Study
National Direct Student Loan Program
Postsecondary Education Statewide Comprehensive Planning Grants Program
Special Services for Disadvantaged Students in Institutions of Higher Education
State Student Incentive Grants
Talent Search
University Community Service—Grants to States
Upward Bound
College Library Resources
Higher Education Instructional Equipment
Library Training Grants

Research and Development—Library Research Demonstration
Adult Education—Special Projects
Adult Education—Teacher Education
Vocational Education—Basic Grants to States
Vocational Education—Consumer and Homemaking
Vocational Education—Cooperative Education
Vocational Education—Curriculum Development
Vocation Education—Innovation
Vocational Education—Research
Vocational Education—Special Needs
Vocational Education—Work Study
Bilingual Education Training
Educationally Deprived Children—Local Education Agencies
Educationally Deprived Children—Migrants
Educationally Deprived Children in State-Administered Institutions Serving Neglected or Delinquent Children
Follow Through
Preschool, Elementary, and Secondary Education—Special Programs and Projects
Ethnic Heritage Studies Program
Foreign Language and Area Studies—Fellowships, Centers, Research
Fulbright-Hays Training Grants—Faculty Research, Foreign Curriculum Consultants, Group Projects, Doctoral Dissertation Research Abroad
Teacher Exchange
Educational Broadcasting Facilities
Educational Personnel Training Grants—Career Opportunities (COP)
Civil Rights Technical Assistance and Training
Drug Abuse Prevention
Environmental Education
Right to Read

National Institute of Education
Educational Research and Development

Office of the Secretary
Special Schools
Child Development—Child Welfare Research and Demonstration Grants
Surplus Property Utilization
Physical Fitness Clinics

Social and Rehabilitation Service
Social and Rehabilitation Service Research
Developmental Disabilities—Demonstration Facilities and Training
Comprehensive Social and Rehabilitation Training
Developmental Disabilities—Special Projects
Rehabilitation Services and Facilities—Basic Support
Rehabilitation Services and Facilities—Special Projects

Vocational Rehabilitation Services for Social Security Disability Recipients
Youth Development and Delinquency Prevention

Social Security Administration
Social Security—Disability Insurance
Social Security—Retirement Insurance
Social Security—Survivors Insurance

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Development
Model Cities Supplemental Grants

Community Planning and Management
Community Development Training Grants
Urban Studies Fellowships

Office of Policy Development and Research
General Research and Technology Activity

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs
Indian Community Development
Haskell Junior College
Indian Employment Assistance
Indian Law Enforcement Services
Indian Agricultural Extension
Indian Loans
Indian Education—Adults
Indian Education—Colleges and Universities

Bureau of Mines
Mine Health and Safety Education and Training
Mine Health and Safety Research—Grants and Contracts
Mineral Resources and Environmental Development

National Park Service
Archeological Investigations and Salvage
Historic American Buildings Survey

Office of Water Resources Research
Additional Water Resources Research
Water Resources Research—Assistance to States for Institutes
Water Resources Research—Matching Grants to State Institutes

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs
Law Enforcement Assistance—Narcotics and Dangerous Drugs Training

Federal Bureau of Investigation
Law Enforcement Assistance—FBI Advanced Police Training
Law Enforcement Assistance—FBI Field Police Training

Law Enforcement Assistance Administration
- Law Enforcement Assistance—Educational Development
- Law Enforcement Assistance—Internships
- Law Enforcement Assistance—Training
- Law Enforcement Education Program—Student Financial Aid
- Law Enforcement Research and Development—Graduate Research Fellowships
- Law Enforcement Research and Development—Project Grants
- Organized Crime Prosecutorial Training

DEPARTMENT OF LABOR

Employment Standards Administration
- Coal Mine Workers' Compensation

Manpower Administration
- Concentrated Employment Program
- Job Corps
- Manpower Research and Development Program
- Manpower Research—Doctoral Dissertation Grants
- Manpower Research—Institutional Grants
- Manpower Research Project Grants (Small Grants)
- Public Employment Program (PEP)
- Work Incentive Program (WIN)—Training and Allowances
- Manpower Development and Training—Institutional Training

Occupational Safety and Health Administration
- Occupational Safety and Health

DEPARTMENT OF STATE

Agency for International Development (AID)
- Institutional Grants Program (211d)
- Central Research

Bureau of Educational and Cultural Affairs
- Educational Exchange—Graduate Students
- Educational Exchange—University Lecturers and Research Scholars

DEPARTMENT OF TRANSPORTATION

Office of University Research
- Program of University Research

U.S. Coast Guard
- Coast Guard Academy

Federal Aviation Administration
- Airport Development Aid Program
- Aviation Education

Federal Railroad Administration
- High-Speed Ground Transportation Research and Development
- Railroad Research

Urban Mass Transportation Administration

Urban Mass Transportation Grants for University Research and Training
Urban Mass Transportation Managerial Training Grants

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Tax Information and Education

ACTION

Peace Corps

Peace Corps Intern Program and Recruitment Program
University Year for ACTION

APPALACHIAN REGIONAL COMMISSION

Appalachian Regional Commission

Appalachian State Research, Technical Assistance, and Demonstration Projects
Appalachian Vocational Education Facilities and Operations
Appalachian Vocational and Technical Education Demonstration Grants

ATOMIC ENERGY COMMISSION

Atomic Energy Commission

Nuclear Science and Technology—Faculty and Student Participation
Nuclear Science and Technology—Faculty Training Institutes and Workshops
Nuclear Science and Technology—Research and Development
Nuclear Science and Technology—Research Reactor and Materials Assistance
Nuclear Science and Technology—Traineeship Program in Nuclear Engineering, Radiation Protection, and Environmental Sciences

U.S. CIVIL SERVICE COMMISSION

Civil Service Retirement Fund
Intergovernmental Personnel Grants

DISTRICT OF COLUMBIA

District of Columbia Government: Board of Higher Education

Federal Government Support for District of Columbia Postsecondary Schools (Federal City College, D.C. Teachers College, and Washington Technical Institute)

ENVIRONMENTAL PROTECTION AGENCY

Offices of Air, Radiation, Research, Solid Waste, and Water Programs

Research and Development Contracts to Educational Institutions
Air Pollution Fellowships

Air Pollution Manpower Training Grants
Radiation Training Grants
Air Pollution Control Research Grants
Environmental Protection—Comprehensive Research Grants
Minority Institutional Research Support
Pesticides Research Grants
Radiation Research Grants
Solid Waste Research Grants
Water Pollution Control—Research, Development, and Demonstration
Solid Waste Training Grants
Water Pollution Control—Direct Training (WQO Short Courses)
Water Pollution Control—Research Fellowships
Water Pollution Control Training Grants

EXECUTIVE OFFICE OF THE PRESIDENT

Special Action Office for Drug Abuse Prevention
Drug Abuse Prevention—Pharmacological Research

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Research and Development in Space Sciences Technology

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Arts—Promotion of the Arts
National Endowment for the Arts—Promotion of the Humanities

NATIONAL GALLERY OF ART

National Gallery of Art Extension Service

NATIONAL SCIENCE FOUNDATION (NSF)

Biological Sciences Research Project Support
Computer Innovation in Education
Computing Activites
Engineering Research Initiation Grants and Research Project Support
Environmental Sciences Research Project Support
Experimental Research and Development Incentives Programs
Fellowships and Traineeships Program
Institutional Grants for Research Management Improvement
Institutional Grants for Science
Instructional Improvement Implementation—Pre-College
Instructional Improvement Implementation—Higher Education
Science Education Materials and Instruction Development—Pre-College
Science Education Materials and Instruction Development—Higher Education
Intergovernmental Science Programs
International Cooperative Scientific Activities
International Decade of Ocean Exploration

International Travel Program
Materials Research Project Support
Mathematical and Physical Sciences Research Project Support
National and Special Research Programs
National Research and Development Assessment Program
National Research Centers
Oceanographic Facilities and Support
Polar Research Programs
Public Understanding of Science Program
Research Applied to National Needs (RANN)
Science Education—Problem Assessment and Experimental Projects
Science Information Activities
Scientific Activities (Special Foreign Currency Program)
Social Sciences Research Project Support
Undergraduate Student Development

RAILROAD RETIREMENT BOARD

Social Insurance for Railroad Workers

THE SMITHSONIAN INSTITUTION

Academic Appointments
Chesapeake Bay Center for Environmental Studies
Smithsonian Special Foreign Currency Grants for Museum Programs and Related Research
Visiting Research Appointments
Woodrow Wilson International Center for Scholars—Fellowships and Guest Scholar Programs

VETERANS ADMINISTRATION (VA)

Department of Medicine and Surgery
Biomedical Research—Career Development Programs
Biomedical Research—Contracts to Universities
Education and Training of Health Service Personnel
Exchange of Medical Information
Prosthetics Research

Department of Veterans Benefits
Pension and Compensation to Veterans' Widows and Children
Veterans Educational Assistance
Vocational Rehabilitation for Disabled Veterans
Dependents Educational Assistance

[From the Congressional Record, Mar. 14, 1977].

INTRODUCTORY REMARKS OF SENATOR RIBICOFF ON S. 991

S. 991. A bill to establish a Department of Education, and for other purposes; to the Committee on Governmental Affairs.

DEPARTMENT OF EDUCATION

Mr. RIBICOFF. Mr. President, I am pleased to introduce along with Senators Magnuson, Humphrey, Pell, and Nunn and 28 of my distinguished colleagues, a bill to establish a separate Department of Education.

I first introduced a bill to establish a Department of Education in the 89th Congress. Today, such a Department is even more needed.

American education has grown rapidly. The needs and demands placed on education have greatly increased. Thirty years ago, fewer than half of American students finished high school. By 1974, the average school years attended was 12¼. Enrollment of blacks has increased by more than 200 percent in the past 8 years. The Office of Education expects women to receive almost half the college degrees awarded by 1978. Education is now becoming a lifelong process. Today, well over 60 million persons are enrolled in public and private education institutions from kindergarten through graduate school. That is almost one out of every three citizens.

Education is not given the priority attention it needs. We cannot help but become more aware that problems with our education system are worsening. In March of 1976, the Office of Education released a study showing a 10-year decline in reading skills among American students. In November 1975, the college entrance examination board reported that 1975 scores on the scholastic aptitude test showed the biggest drop in 20 years. College educators are more and more concerned about the low reading and writing ability of high school graduates. In one of our major universities, nearly half of the freshman class was required to take remedial courses in English. Surely, we must make education a long-overdue national priority.

Why is a separate Department of Education needed? Leadership to handle the vast range of educational issues and programs is almost impossible within the Department of Health, Education, and Welfare because of its immense size. This Department consists of a vast and diffuse range of responsibilities, agencies, and programs—all competing for attention. HEW's total spending for over 300 programs was $128 billion in 1976, in 1977 it is approximately $146 billion and the spending for 1978 is expected to be $162 billion. This is an increase of $34 billion over a 2-year period and an annual average increase of over 15 percent. A large portion of this continued increase is caused by increased needs for social security and medicare.

The budget for Health and Welfare is 18 times as large as the $9.1 billion budget of the Education Division. Yet, the Education Division itself is enough to constitute a major department. Its budget alone is more than that of the Departments of the Interior, $5.5 billion; Commerce, $6.7 billion; Justice, $2.3 billion, and State, $1.2 billion. Its Office of Education administers 136 education programs. The proposed new Department of Energy is expected to cost $10 billion, just $1 million more than the Education Division in HEW.

The unmanageability of this Department is widely known. Last year, the Governmental Affairs Committee reported a measure to establish an Office of Inspector General in HEW. Findings by the House Governmental Affairs Committee found that the magnitude and complexity of HEW's activities—including the administration of more than 300 separate programs involving expenditures over $118 billion—caused, in many instances, a lack of direct control over its expenditures, including evidence of fraud and abuse. Hearings by several subcommittees of the Governmental Affairs Committee have also outlined numerous examples of HEW mismanagement.

Education can never be a major priority in such a large Department. Uncontrollable programs will continue to grow and education will continue to be enmeshed and entangled with other priorities.

Although most of the components for the new Department of Education are presently in HEW, other education programs are fragmented and dispersed throughout more than 20 Federal agencies. No mechanism presently exists to coordinate these numerous programs in a sensible, workable and effective framework. By removing education functions out of HEW, education, health, and welfare will be more manageable to meet the many demands of our most needy citizens, and an effective reorganization of all three areas can more rapidly and more efficiently occur.

I am aware that Secretary of HEW Califano has announced a series of reorganization initiatives to improve HEW's manageability, and I commend him. But the need for a new Department of Education is still essential.

Size, budget, and management considerations are good reasons alone to justify the creation of a new department. But these reasons are only the bureaucratic side of the picture.

American education needs a unified direction. It needs a full-time Secretary of Education who can devote all his or her enthusiasm, imagination, time and capability to strengthening American education.

No Secretary of such a larger Department as HEW can adequately devote the time for the national education leadership needed. No Secretary of such a large department can give education the priority it should have.

This bill would address itself to the effective administration of our educational programs. The Secretary of Education would advise the President on goals and priorities. The Secretary would develop policies and programs to foster development of educational facilities and resources; exercise leadership in coordinating Federal activities affecting education; and provide leadership by conducting studies, making recommendations and administering discretionary programs to facilitate the continuing development of American education. Also, comprehensive planning by State and local governments would be encouraged.

Under the Secretary of Education, there would be an Under Secretary, a General Counsel, an Inspector General, and four Assistant Secretaries—for Legislation and Public Affairs, Intergovernmental Relations, Evaluation and Planning, and Administration and Management. Each officer would be subject to Senate confirmation.

The act would transfer HEW's Education Division, the Headstart program in the Office of Child Development, the Education Directorate of the National Science Foundation, the Armed Forces dependents schools, and jurisdiction over the National School Lunch Act, BIA Indian Schools, HUD college housing loans, and HEW's grant programs for the construction of public broadcasting faciliti Functions carried out by the Secretary through the Office of Civil Rights concerning the enforcement of those laws and education orders which apply to educational institutions, educational financial assistance and Federal contracts in education would be transferred.

The bill would also transfer the National Foundation on the Arts and Humanities which is actively involved in promoting the cultural aspects of education. The National Endowments within the Foundation would retain their present structure under the bill and their inclusion would clearly lend itself to a broader view of education.

Other components of the bill would include a Federal Interagency Committee on Education, a National Advisory Committee on Education, and an Office of Inspector General.

The Federal Interagency Committee on Education would be chaired by the Secretary of Education. The committee would be composed of various representatives from other departments and agencies. Its main purpose would be to assure effective coordination of Federal programs affecting education. The committee would meet six times a year and report annually to the Secretary;

The National Advisory Commission on Education would be composed of 15 members, appointed by the President, who have demonstrated commitment to the educational needs of the Nation. Its purpose would be to assist the Secretary in the formulation of Federal policy with respect to the appropriate role of the Government in education and to review the administration, regulations for, and operation of Federal education programs;

The Inspector General whose functions would be similar to those of the present Inspector General in HEW, would provide and supervise policy direction for auditing and investigative activities in the Department. Other duties would include conducting activities to promote economy and efficiency while preventing and detecting fraud and abuse in education programs. The Inspector General could be removed only by the President.

Hearings have never been held on a proposed Department of Education, and it is my hope that the various components of the bill, including the proposed transfers, would be thoroughly discussed.

I urge my colleagues in Congress to join us in sponsoring this legislation. The time is long overdue for a cabinet Department of Education to coordinate education programs, eliminate duplication and waste, and strengthen and improve American education.

Mr. NUNN. Mr. President, I am pleased to join Senators Ribicoff, Magnuson, Humphrey, Pell, and others in introducing legislation to create a separate Department of Education to administer and oversee all educational programs and policies for the Federal Government.

If there is one point on which most Americans will agree, it is that the U.S. Department of Health, Education, and Welfare is too large and too bureaucratic to effectively or efficiently manage the numerous programs under its jurisdiction. This Department is currently charged with the task of administering vast programs designed to provide for the health needs of our citizens, to provide assistance to the elderly, the handicapped and the underprivileged, and to help the States provide quality education for every American. One of the biggest tasks facing President Carter and the Congress should be to restructure and reform this massive and cumbersome department.

The establishment of a separate Department of Education, which would be accomplished by the passage of the bill we are introducing today, is the first logical step toward achieving the goal of reorganization of HEW. At the present time, most of the Federal educational programs are administered by the U.S. Office of Education which is a relatively small subdivision of HEW. Yet, this Office of Education is alone responsible for approximately 120 programs. Its fiscal year 1976 budget was $7.4 billion which is larger than the combined budgets of the Departments of Commerce, Interior, Justice, and State.

For too long, our educational programs have failed to receive the attention and status that their importance demands. The lack of singular leadership in the educational field has also contributed to the lack of a coherent and effective Federal education policy. Education needs and deserves a single spokesman who can articulate educational priorities, plans, and programs at the highest levels of Government.

The bill that we are introducing today will provide a more efficient and administratively manageable structure for education by removing the Office of Education from the existing Department of Health, Education, and Welfare. It will also consolidate education programs, which are currently fragmented throughout the Federal Government, under the new Department of Education. This consolidation should insure that duplication of programs and needless waste of money is avoided.

This bill also creates an independent Office of Inspector General in the new Department to prevent fraud and abuse in education programs. During the 94th Congress, legislation was signed into law to establish an Office of Inspector General in HEW. It is certainly important that a single person in the new Department of Education be responsible for fraud detection and for insuring that the taxpayers' funds appropriated for educational programs are not wasted because of inefficiency and abuse.

The creation of a separate Department of Education would not only enhance our educational policies but would also give new prominence to our health and welfare programs. The Secretary of Health and Welfare could devote his full time and efforts to meeting the pressing health needs of our citizens and to cleaning up the management of our welfare programs.

Investment in education is investment in the future productivity of our Nation through the advancement of skills of the workers of tomorrow. Our educational goals are important ones and we cannot gamble with their success. A single Department administered by a single Secretary is the best way of reaching these goals and of guaranteeing that our educational dollars are efficiently and economically spent in this process. The establishment of a Department of Education would represent a giant step toward the genuine reform needed in our educational programs.

Mr. WILLIAMS. Mr. President, I am pleased to join with my colleagues in introducing a bill which will create a Cabinet-level Department of Education. This bill, the Department of Education Act of 1977, makes good on our promise that the education of our people will become a critical priority of our Nation. By bringing all educational programs together under one Department with Cabinet status, this proposal brings our commitment to quality education, equal opportunity, and an enlightened citizenry to the center of policymaking at the Federal level.

Specifically, this act would transfer HEW's Education Division, including the 138 education programs within the Office of Education, the Head Start program in the Office of Child Development, the Education Directorate of the National Science Foundation, the Armed Forces dependents' schools, and jurisdiction over the National School Lunch Act, BIA Indian Schools, HUD college housing loans, and HEW's grant programs for the construction of public broadcasting facilities to the new Department.

It would also transfer the National Foundation on the Arts and Humanities which is actively involved in promoting the cultural aspects of education. The National Endowments within the Foundation would retain their present structure under the bill and their inclusion would clearly lend itself to a broader view of education.

The future of American education and our national educational policy rests, I believe, on our continuing and informed discussion for ways to improve the education of our children and to allow people of all ages to take advantage of various learning experiences.

Over the last several years, Federal education policy has taken major steps toward those goals.

Certainly, enactment of the Education for All Handicapped Children Act, which I authored, provided new hope and new direction for handicapped children and their families. That law signaled the Federal Government's concern and insistence that these children be assured their right to a free public education.

The development of the basic educational opportunity grant, the Bilingual Education Act, a new program for life-long learning, expanded programs for continuing education, and better coordination in vocational education are also important steps in this direction.

Yet, today, the Federal contribution to elementary, secondary, and higher education is just over 9.8 percent of all expenditures in this area. Given the increasing costs of education and the increasing pressures on State and local tax dollars, this contribution must be seen as a basic minimum.

Yet, we know that these figures represent a decrease from a higher level of 11.9 percent in the late 1960's. In terms of the proportion of the gross national product, expenditures in the education area have remained at just under 8 percent for the last 10 years.

We also know the hard facts in individual programs. For example, in title I, aid to disadvantaged children, our expenditures in dollars of constant value—1965 dollars—were $1.161 billion in fiscal year 1966 compared to only $1.081 billion in fiscal year 1976—a 7-percent reduction. I was very pleased that Secretary Califano has recognized this problem and that the fiscal year 1978 budget reflects increased funding for title I.

The issue, however, is broader than a single program or a single budgetary increase. The question that is raised is the ability of our national education leaders—the Commissioner of Education, the Assistant Secretary and the Director of the National Institute of Education—to provide the Federal advocacy necessary in education when the Education Division is only a part of a department with high budgetary and program responsibilities in other areas. This issue has been raised more clearly over the past few years as HEW's spending has grown to more than $145 billion. Most of this growth is a result of uncontrollable budget items in health and welfare. The Education Division budget of $9 billion is dwarfed in comparison—and in priority in day-to-day management and policymaking.

Clearly, I do not question the necessity of HEW nor the importance of its other programs—many of which also evolve from the committee I chair. My desire is to define a coherent and coordinated policy in education and to increase its visibility and importance in the Cabinet. In saying this, I realize that the creation of a Department of Education does not automatically solve these problems and in many cases raises additional policy issues which will have to be examined.

For example, I am sure that we will want to examine carefully the inclusion of each of the programs which is suggested to be transferred in this bill. Such issues as the location of Head Start and its relationship to other community-based poverty and social service programs needs to be fully explored for this program is not intended to be exclusively a school-based program. Similarly, the proposal to transfer the Office of Civil Rights' education-related enforcement responsibilities also needs to be explored further in light of the importance of these enforcement activities, the need for a consistent policy in all civil rights enforcement, and the impact on enforcement of section 504 of the Rehabilitation Act of 1973, prohibiting discrimination against handicapped individuals.

Furthermore, it should be made absolutely clear, in the course of considering this legislation, that the establishment of a separate Department of Education does not imply any diminution of the role of the Department of Labor in providing skill training, job counseling, work experience and other employment services. A fundamental challenge for the new administration is to develop comprehensive, long-term policies for helping young Americans make the difficult transition from school to work. An associated challenge is to strengthen significantly existing approaches for affording the workers of all ages the opportunity for retraining, the means of locating new and better jobs, and the wherewithal to be able to move their homes to communities that need their new skills. If learning is a life-long process, then the transition from classroom to work is a life-long challenge. With or without a separate Federal educational department, the Department of Labor and Federal education officials must be brought into effective coordination of joint efforts to weld together the elements of employment and education policy.

I believe that our highest priorities in education must be to increase opportunity for all of our people, no matter what their age, their socioeconomic background, or their previous schooling and to find new ways to allow personal freedom and dignity in the educational process.

I believe the way to assure that we as a Nation accomplish this goal is by creating a separate Department of Education. It is for this reason that I lend my full support to this concept and join with my colleagues in introducing the Department of Education Act of 1977. I look forward to the hearings on this issue.

Committee on Governmental Affairs
UNITED STATES SENATE

Cosponsors for S. 991, the Department of Education Act of 1977

Senators:
Abe Ribicoff (D-Conn.)
Warren Magnuson (D-Wash.)
Hubert Humphrey (D-Minn.)
Claiborne Pell (D-R.I.)
Sam Nunn (D-Ga.)

James Abourezk (D-S.D.)
James Allen (D-Ala.)
Wendell Anderson (D-Minn.)
Dewey Bartlett (R-Ok.)
Birch Bayh (D-Ind.)
Henry Bellmon (R-Ok.)
Edward Brooke (R-Mass.)
Quentin Burdick (D-N.D.)
Clifford P. Case (R-N.J.)
John Chafee (R-R.I.)
Lawton Chiles (D-Fla.)
Frank Church (D-Idaho)
Dick Clark (D-Iowa)
Alan Cranston (D-Ca.)
John Culver (D-Iowa)
Dennis DeConcini (D-Ariz.)
Pete Domenici (R-N.M.)
Thomas Eagleton (D-Mo.)
Wendell Ford (D-Ky.)
Mike Gravel (D-Alaska)
Gary Hart (D-Colo.)
Floyd Haskell (D-Colo.)
Orrin Hatch (R-Utah)
John Heinz (R-Pa.)
Ernest Hollings (D-S.C.)
Walter Huddleston (D-Ky.)
Daniel Inouye (D-Hawaii)
Henry Jackson (D-Wash.)
J. Bennett Johnston (D-La.)
Edward M. Kennedy (D-Mass.)
Patrick J. Leahy (D-Vt.)
Richard G. Lugar (R-Ind.)
Spark Matsunaga (D-Hawaii)
George McGovern (D-S.D.)
Thomas J. McIntyre (D-N.H.)
John Melcher (D-Mont.)
Lee Metcalf (D-Mont.)
Howard Metzenbaum (D-Ohio)
Edmund Muskie (D-Maine)
Bob Packwood (R-Ore.)
James B. Pearson (R-Kan.)
Jennings Randolph (D-W.Va.)
Donald Riegle, Jr. (D-Mich.)
Paul S. Sarbanes (D-Md.)
James Sasser (D-Tenn.)
John Sparkman (D-Ala.)
Robert T. Stafford (R-Vt.)
Richard Stone (D-Fla.)
Strom Thurmond (R-S.C.)
Malcolm Wallop (R-Wyo.)
Lowell Weicker (R-Conn.)
Harrison Williams (D-N.J.)

10-21-77

95th CONGRESS
1st Session

S. 991

IN THE SENATE OF THE UNITED STATES

March 14 (legislative day, February 21), 1977

Mr. Ribicoff (for himself, Mr. Magnuson, Mr. Humphrey, Mr. Pell, Mr. Nunn, Mr. Allen, Mr. Bartlett, Mr. Bayh, Mr. Bellmon, Mr. Chiles, Mr. Church, Mr. Clark, Mr. Cranston, Mr. DeConcini, Mr. Domenici, Mr. Eagleton, Mr. Ford, Mr. Hart, Mr. Heinz, Mr. Hollings, Mr. Inouye, Mr. Jackson, Mr. Kennedy, Mr. McGovern, Mr. Matsunaga, Mr. Melcher, Mr. Muskie, Mr. Pearson, Mr. Randolph, Mr. Sasser, Mr. Sparkman, Mr. Stafford, Mr. Stone, Mr. Weicker, and Mr. Williams) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

---

A BILL

To establish a Department of Education, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Education Act of 1977".

FINDINGS AND PURPOSES

Sec. 2. The Congress finds that—

(1) education is of fundamental importance to the Nation and it is appropriate to reassess the condition of

education in our Nation to insure that all Americans have an equal opportunity for quality education;

(2) existing Federal programs in support of education are fragmented and often duplicative and should be better coordinated in order to promote quality education;

(3) the role and importance of education increases as our society becomes more complex and new technologies and advancements are developed to meet changing needs;

(4) public policy toward education is vital to the present and long-range interests of the United States;

(5) education must be broadly conceived in terms of all those forces, institutions, and agencies which function as educating influences in the United States; goals and institutions should be enhanced; and

(6) it is essential therefore to establish a Department of Education to provide Federal leadership, to insure effective enforcement of equal opportunity legislation in education, to weigh and consider major educational policy issues confronting the Nation, and to facilitate a continuing renewal of the educating institutions and policies of the United States.

DEPARTMENT OF EDUCATION ESTABLISHED

SEC. 3. There is established an executive department which shall be known as the Department of Education (hereinafter referred to as the "Department").

OFFICERS

SEC. 4. (a) The Department shall be administered by a Secretary of Education (hereinafter referred to as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate prescribed for level I of the Federal Executive Salary Schedule under section 5312 of title 5, United States Code. The Department shall be administered under the supervision and direction of the Secretary.

(b) There shall be in the Department an Under Secretary of Education who shall be appointed by the President by and with the advice and consent of the Senate. The Under Secretary shall perform such duties and exercise such powers as the Secretary shall prescribe. During the absence or disability of the Secretary, or in the event of a vacancy in the office of the Secretary, the Under Secretary shall act as Secretary. The Under Secretary shall receive compensation at the rate prescribed for level III of the Federal Executive Salary Schedule established under section 5314 of title 5, United States Code.

(c) There shall be in the Department a General Counsel and four Assistant Secretaries of Education as follows:

(1) Assistant Secretary of Education for Legislative and Public Affairs;

(2) Assistant Secretary of Education for Administrative and Management Policy;

(3) Assistant Secretary of Education for Evaluation and Planning; and

(4) Assistant Secretary of Education for Intergovernmental Relations.

Each of such Assistant Secretaries shall be appointed by the President, by and with the advice and consent of the Senate. Each such Assistant Secretary shall perform such duties and exercise such powers as the Secretary shall prescribe. During the absence or disability, or in the event of a vacancy in the office of the Secretary or of the Under Secretary, an Assistant Secretary determined according to such order as the Secretary shall prescribe shall act as Secretary. Each Assistant Secretary and the General Counsel shall receive compensation at the rate prescribed for level IV under section 5315 of title 5, United States Code.

POWERS AND DUTIES OF THE SECRETARY

SEC. 5. (a) The Secretary shall be responsible for the exercise of all functions of the Department, and shall have authority to direct and supervise all personnel and activities thereof.

(b) (1) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions, as may be necessary to carry out the purposes and functions of this Act.

(2) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(c) The Secretary may promulgate such rules and regulations as may be necessary to carry out the functions vested in the Secretary or in the Department, and may delegate authority for the performance of any such function to any officer or employee under the Secretary's direction and supervision.

(d) The Secretary shall cause a seal of office to be made for the Department, of such design as the President shall approve, and judicial notice shall be taken thereof.

FUNCTIONS OF THE DEPARTMENT

SEC. 6. (a) It is the principal function of the Department to promote the cause and advancement of education throughout the United States.

(b) In addition to any other function of the Secretary under the provisions of this Act, the Secretary is authorized to—

(1) advise the President with respect to the progress of education, including the recommendation of long-range goals and priorities;

(2) develop and recommend to the President appropriate policies and programs to foster the orderly growth and development of the educational facilities and resources of the United States especially in the light of long-range requirements;

(3) exercise leadership at the direction of the President in coordinating Federal activities affecting education;

(4) conduct continuing comprehensive surveys, and to collect, analyze, and disseminate relevant information, data, and statistics, concerning education in the United States;

(5) provide information and such other assistance as may be authorized by the Congress to aid in the maintenance of efficient school, college, and university or other education systems;

(6) encourage comprehensive planning by State and local governments, especially with respect to coordinating Federal, State, and community educational activities at the local level; and

(7) provide leadership by conducting studies, making recommendations, and administering discretionary programs to facilitate the continuing development of the American educational system.

TRANSFER OF FUNCTIONS AND AGENCIES

SEC. 7. (a) There are transferred to the Secretary, all functions of the Secretary of Health, Education, and Welfare or the Commissioner of Education, as the case may be—

(1) with respect to and being administered by the Secretary through the Education Division of the Department of Health, Education, and Welfare;

(2) with respect to and being administered by the Secretary through the Office of Child Development of the Department of Health, Education, and Welfare regarding Headstart;

(3) any advisory committee in the Department of Health, Education, and Welfare giving advice to and making recommendations which concern education primarily;

(4) under section 394 of the Communications Act of 1934; relating to Federal grants for the construction of television and radio broadcasting facilities to be used for educational purposes;

(5) with respect to and being administered by the Secretary through the Office of Civil Rights for the enforcement of those provisions of law and education orders which apply to educational institutions, including title VI (insofar as it relates to educational financial

assistance) and titles VII and IX of the Education Amendments of 1972 and Executive Order 11246 (insofar as it pertains to employer's holding Federal contracts in education);

(6) with respect to all functions of the National Foundation on the Arts and the Humanities including all functions of the National Endowment for the Arts and all functions of the National Endowment for the Humanities;

(7) with respect to all Federal laws concerning the relationship between Gallaudet College, Howard University, and American Printing House for the Blind, and the Department of Health, Education, and Welfare;

(8) with respect to the operation of schools for dependents of members of the Armed Forces by the Secretary of Defense;

(9) with respect to the operation of schools for Indian children being administered by the Secretary of the Interior through the Bureau of Indian Affairs;

(10) with respect to the National School Lunch Act, and the operation of the Graduate School, being administered by the Secretary of Agriculture;

(11) with respect to title IV of the Housing Act of 1950 relating to college housing, being administered by the Secretary of Housing and Urban Development; and

(12) with respect to and being administered by the Director of the National Science Foundation, the Education Directorate.

(b) In any case where all of the functions of any agency or office are transferred pursuant to this Act, except any committee transferred under subsection (a) (3) of this section, such agency or office shall lapse.

(c) All officers, employees, assets, liabilities, contracts, records, property, leases, obligations, and commitments and unexpended balances of appropriations, allocations, and other funds which the Director of the Office of Management and Budget determines are to be employed, held, or used primarily in connection with any office, agency, bureau, foundation, or function transferred under the provisions of this Act, are hereby transferred to the Department.

ADDITIONAL TRANSFERS

SEC. 8. The President is authorized to transfer to the Department of Education any other agency or instrumentality of the Federal Government which the President determines has functions relating to education and should be transferred to the Department of Education to promote efficiency in Government and to carry out the purposes of this Act. Such transfers shall incorporate, to the extent deemed desirable, the recommendations of the Federal Interagency Committee on Education as provided by section 12 (c) and shall be completed within one hundred and eighty days after the date of enactment of this Act. A report describing such transfers shall be submitted to the Congress not later than thirty days thereafter.

TRANSFERRED PERSONNEL

SEC. 9. Each officer or employee of the United States or any department or agency thereof who is transferred at any time to the Department of Education shall be deemed, effective as of the date of such transfer, to be an officer or employee of the Department. No reappointment of any such officer or employee shall be required because of his transfer to that Department. Except as otherwise specifically provided by this section, no such officer or employee shall be reduced in rank, grade, seniority, or rate of compensation because of any such transfer.

PROVISIONS OF LAW APPLICABLE TO THE DEPARTMENT

SEC. 10. Except to the extent inconsistent with this Act, all provisions of law applicable to the executive departments generally shall apply to the Department.

REDESIGNATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 11. (a) The Department of Health, Education, and Welfare is hereby redesignated the Department of Health and Welfare, and the Secretary of Health, Education, and Welfare is hereby redesignated the Secretary of Health and Welfare.

(b) Any reference to the Department of Health, Education, and Welfare or the Secretary of Health, Education, and Welfare in any other law, rule, regulation, certificate, directive, instruction, license, or other official paper in force on the effective date of this Act shall be deemed to refer and apply to the Department of Health and Welfare and the Secretary of Health and Welfare, respectively.

FEDERAL INTERAGENCY COMMITTEE ON EDUCATION

SEC. 12. (a) There is hereby established a Federal Interagency Committee on Education (hereinafter referred to in this Act as the "Committee").

(b) The Committee shall study and make such recommendations as may be necessary to assure effective coordination of Federal programs affecting education, including—

(1) development of Federal programs in accordance with the educational goals and policies of the Nation;

(2) consistent administration of policies and practices among Federal agencies in the conduct of similar programs;

(3) full and effective communication among Fed-

eral agencies to avoid unnecessary duplication of activities with respect to education;

(4) adequate procedures for the availability of information on educational matters requested by the Secretary;

(5) recommendations for the improvement of Federal programs for the purpose of aiding students in their transition from school to work; and

(6) full and effective cooperation with the Secretary on such studies and analyses as are necessary to carry out the purposes of this Act.

(c) The Committee shall, within 90 days of the enactment of this Act or the appointment and qualification of all Committee members, whichever is earlier, recommend to the President the transfer of such additional responsibilities as may be appropriate.

(d) The Committee shall be composed of the Secretary, who shall be the Chairperson, and one appropriate representative of each of the following agencies: The Department of State, the Department of Defense, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Department of Health and Welfare (as redesignated by section 11 of this Act), the Department of Housing and Urban Development, the National Science Foundation, the National Aeronautics and Space Administration. The

Committee shall also include the Chairpersons of the National Endowment for the Arts, and the National Endowment for the Humanities of the Department.

(e) The Chairperson may invite Federal agencies, in addition to the agencies which are represented on the Committee under the provisions of subsection (d) of this section, to designate representatives to participate in meetings of the Committee on matters of substantial interest to such agencies which are to be considered by the Committee.

(f) The Director of the Office of Management and Budget, the Chairperson of the Council of Economic Advisers, and the Executive Director of the Domestic Council may each designate a staff member to attend meetings of the Committee as observers.

(g) The Committee shall meet at least six times in each year and shall prepare an annual report to the Secretary concerning its recommendations.

(h) Each Federal agency which is represented on the Committee under the provisions of subsection (d) of this section shall furnish necessary assistance to the Committee in accordance with section 214 of the Act of May 3, 1945 (31 U.S.C. 691).

NATIONAL ADVISORY COMMISSION ON EDUCATION

SEC. 13. (a) There is established a National Advisory Commission on Education (hereinafter referred to as the

"National Commission") composed of fifteen members appointed by the President, by and with the advice and consent of the Senate, from among individuals—

(1) who have a demonstrated commitment, in public or private industries or organizations, for the enhancement and development of the educational needs and goals of the Nation;

(2) who have competence in assessing the progress of educational agencies, institutions, and organizations in meeting those needs and achieving those goals; and

(3) who are experienced with the policies or administration of State and local educational agencies and of institutions of higher education.

Members shall be appointed for terms of three years, except that (A) in the case of initially appointed members, as designated by the President, five members shall be appointed for terms of one year, five members shall be appointed for terms of two years, and five members shall be appointed for terms of three years, and (B) any member appointed to fill a vacancy shall serve the remainder of the term for which the member's predecessor was appointed.

(b) The National Commission shall—

(1) assist the Secretary in the formulation of Federal policy with respect to the appropriate role of the Federal Government in each action;

(2) review the administration of, general regulations for, and operation of Federal education programs;

(3) advise the Secretary and other Federal officials with respects to the educational needs and goals of the Nation and assess the progress of the renewal of appropriate agencies, institutions, and organizations of the Nation in order to meet those needs and achieve those goals;

(4) conduct objective evaluations of specific education programs and projects in order to ascertain the effectiveness of such programs and projects in achieving the purpose for which they are intended;

(5) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of Federal education programs;

(6) consult with Federal, State, and local and other education agencies, institutions, and organizations with respect to assessing education in the United States and the improvement of the quality of education, including—

(A) areas of unmet needs in education, national goals, and changing education priorities, and the means by which those areas may be met, developed, and achieved;

(B) specific means of improving the quality and effectiveness of teaching, curriculums, and educational media and of raising standards of scholarship and levels of achievement;

(7) conduct national conferences on the assessment, improvement, and renewal of education, in which national and regional education associations and organizations, State and local education officers and administrators, and other education-related organizations, institutions, and persons (including parents of children participating in Federal educational assistance programs) may exchange and disseminate information on the improvement of education;

(8) conduct, and report on, comparative studies and evaluations of education systems in foreign countries; and

(9) advise and assist in the coordination of all Federal educational advisory committees, councils or commissions.

(c) The National Commission shall make an annual report, and such other reports as it deems appropriate, to the President and to the Congress, concerning its findings, recommendations, and activities.

(d) In carrying out its responsibilities under this section, the National Commission shall take, together with the Secretary, whatever action is necessary to carry out section

448 of the General Education Provisions Act, to devise a manageable and effective advisory structure for the Department. The National Commission shall advise the Secretary on the number of advisory bodies that are necessary and the manner in which such bodies relate to one another. The National Commission shall consult with the National Advisory Council on the Education of Disadvantaged Children, the National Advisory Council on Education Professions Development, the National Council on Educational Research, and such other advisory councils and committees as may be appropriate to carry out its functions under this subsection. All Federal agencies are directed to cooperate with the National Commission in carrying out its functions under this subsection.

(e) The National Commission is authorized to procure such technical assistance as may be required to carry out its functions and the Secretary shall, in addition, make available to the National Commission such secretarial, clerical, and other assistance and such pertinent data prepared by the Department as the National Commission may require to carry out its functions.

(f) Members of the National Commission who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the National Commission or while otherwise engaged in the business of the National Commission, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS-18 under section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the National Commission away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(g) The President shall nominate members to the National Commission not later than thirty days after the date of enactment of this Act.

OFFICE OF THE INSPECTOR GENERAL

SEC. 14. (a) As used in this section—

(1) the term "Inspector General" means the Inspector General of the Department;

(2) the term "Deputy" means the Deputy Inspector General of the Department; and

(3) the term "Federal agency" means an agency as defined in section 552(e) of title 5, United States Code, but shall not be construed to include the General Accounting Office.

(b) There is hereby established in the Department an Office of Inspector General.

(c) There shall be at the head of the Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate, solely on the basis of integrity and demonstrated ability and without regard to political affiliation. The Inspector General shall report to and be under the general supervision of the Secretary or, to the extent such authority is delegated, the Under Secretary, but shall not be under the control of, or subject to supervision by, any other officer of the Department.

(d) There shall also be in the Office a Deputy Inspector General appointed by the President, by and with the advice and consent of the Senate, solely on the basis of integrity and demonstrated ability and without regard to political affiliation. The Deputy shall assist the Inspector General in the administration of the Office and shall, during the absence or temporary incapacity of the Inspector General, or during a vacancy in that office, act as Inspector General.

(e) The Inspector General or the Deputy may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

(f) The Inspector General and the Deputy shall each be subject to the provisions of subchapter III of chapter 73, title 5, United States Code, notwithstanding any exemption from such provisions which might otherwise apply.

(g) It shall be the duty and responsibility of the Inspector General—

(1) to supervise, coordinate, and provide policy direction for auditing and investigative activities relating to programs and operations of the Department;

(2) to recommend policies for, and to conduct, supervise, or coordinate other activities carried out or financed by the Department for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations;

(3) to recommend policies for, and to conduct, supervise, or coordinate relationships between, the Department and other Federal agencies, State and local governmental agencies, and nongovernmental entities with respect to (A) all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by the Department, or (B) the identification and prosecution of participants in such fraud or abuse; and

(4) to keep the Secretary and the Congress fully and currently informed, by means of the reports re-

quired by subsection (i) and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by the Department, to recommend corrective action concerning such problems, abuses, and deficiencies, and to report on the progress made in implementing such corrective action.

(h) In carrying out the responsibilities specified in subsection (g) (1), the Inspector General shall have authority to approve or disapprove the use of outside auditors or to take other appropriate steps to insure the competence and independence of such auditors.

(i) In carrying out the duties and responsibilities provided by this section, the Inspector General shall give particular regard to the activities of the Comptroller General of the United States with a view to avoiding duplication and insuring effective coordination and cooperation.

(j) The Inspector General shall, not later than March 31 of each year, submit a report to the Secretary and to the Congress summarizing the activities of the Office during the preceding calendar year. Such report shall include, but need not be limited to—

(1) an identification and description of significant problems, abuses, and deficiencies relating to the admin-

istration of programs and operations of the Department disclosed by such activities;

(2) a description of recommendations for corrective action made by the Office with respect to significant problems, abuses, or deficiencies identified and described under paragraph (1);

(3) an evaluation of progress made in implementing recommendations described in the report or, where appropriate, in previous reports; and

(4) a summary of matters referred to prosecutive authorities and the extent to which prosecutions and convictions have resulted.

(k) The Inspector General shall make reports on a quarterly basis to the Secretary and to the appropriate committees or subcommittees of the Congress identifying any significant problems, abuses, or deficiencies concerning which the Office has made a recommendation for corrective action and on which, in the judgment of the Inspector General, adequate progress is not being made.

(l) The Inspector General shall report immediately to the Secretary and to the appropriate committees or subcommittees of the Congress whenever the Office becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the Department. The Deputy and Assistant Inspectors General shall have particular responsibility for informing the Inspector General of such problems, abuses, or deficiencies.

(m) The Inspector General (A) may make such additional investigations and reports relating to the administration of the programs and operations of the Department as are, in the judgment of the Inspector General, necessary or desirable, and (B) shall provide such additional information or documents as may be requested by either House of Congress or, with respect to matters within their jurisdiction, by any committee or subcommittee thereof.

(n) Notwithstanding any other provision of law, the reports, information, or documents required by or under this section shall be transmitted to the Secretary and the Congress, or committees or subcommittees thereof, by the Inspector General without further clearance or approval. The Inspector General shall, insofar as feasible, provide copies of the reports required under subsections (j) and (k) to the Secretary sufficiently in advance of the due date for their submission to Congress to provide a reasonable opportunity for comments of the Secretary to be appended to the reports when submitted to Congress.

(o) In addition to the authority otherwise provided by this section, the Inspector General, in carrying out the provisions of this section, is authorized—

(1) to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Department which relate to programs and operations with respect to which the Inspector General has responsibilities under this section;

(2) to request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental agency or unit thereof;

(3) to require by subpena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this section, which subpena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court;

(4) to have direct and prompt access to the Secretary when necessary for any purpose pertaining to the performance of functions and responsibilities under this section;

(5) in the event that a budget request for the Office of Inspector General is reduced, before submission to Congress, to an extent which the Inspector General deems seriously detrimental to the adequate performance

of the functions mandated by this section, the Inspector General shall so inform the Congress without delay;

(6) to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(7) to obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–18 of the General Schedule by section 5332 of title 5, United States Code;

(8) to the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

(p) (1) Upon request of the Inspector General for information or assistance under subsection (o) (2), the head of any Federal agency involved shall, insofar as is practicable, *and not in contravention of any existing statutory restriction,* or regulation of the Federal agency from which the information is requested, furnish to the Inspector General, or to an authorized designee, such information or assistance.

(2) Whenever information or assistance requested under subsection (o) (1) or (o) (2) is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary and to the appropriate committees or subcommittees of the Congress without delay.

(3) In the event any record or other information requested by the Inspector General under subsection (o) (1) or (o) (2) is not considered to be available under the provisions of section 552a (b) (1), (3), or (7) of title 5, United States Code, such record or information shall be available to the Inspector General in the same manner and to the same extent it would be available to the Comptroller General.

(q) The Secretary shall provide the Inspector General and his staff with appropriate and adequate office space at central and field office locations of the Department, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(r) (1) The Inspector General shall receive compensation at the rate provided for level IV of the Executive Schedule by section 5315 of title 5, United States Code.

(2) The Deputy shall receive compensation at the rate provided for level V of the Executive Schedule by section 5316 of title 5, United States Code.

(s) There are hereby transferred to the Office of Inspector General the functions, powers, and duties of the Office of Inspector General in the Department of Health, Education, and Welfare established under title II of the Act entitled "An Act to authorize conveyance of the interests of the United States in certain lands in Salt Lake County, Utah, to Shriners' Hospitals for Crippled Children, a Colorado corporation," approved October 15, 1976 (90 Stat. 2429) which the Director of the Office of Management and Budget determines to be principally involved in education.

(t) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of any office or agency the functions, powers, and duties of which are transferred under subsection (s) are hereby transferred to the Office of Inspector General.

(u) Personnel transferred pursuant to subsection (t) shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions except that classification and compensation of such personnel shall not be reduced for one year after such transfer.

(v) In any case where all functions, powers, and duties of any office or agency are transferred pursuant to this subsection, such office or agency shall lapse. Any person who, on the effective date of this section, held a position compensated in accordance with the Executive Schedule, and who, without a break in service, is appointed in the Office to a position having duties comparable to those performed immediately preceding such appointment shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of service in the new position.

SAVINGS PROVISIONS

SEC. 15. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any

agency or office or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Education by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department of Education. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the agency or office, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary of Education, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in the officer's official capacity as an officer of any agency or office, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or office, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in the officer's official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Department of Education as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If, before the date on which this Act takes effect, any agency or office, or officer thereof in the officer's official capacity, is a party to a suit, and under this Act—

(A) such agency or office, or any part thereof, is transferred to the Secretary of Education,

(B) any function of such agency, office, or part thereof; or officer is transferred to the Secretary of Education,

then such suit shall be continued by the Secretary of Education (except in the case of a suit not involving functions transferred to the Secretary of Education in which case the suit shall be continued by the agency, office, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any agency, office, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the department or officer in which such function is vested pursuant to this Act.

(e) Orders and actions of the Secretary of Education in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions, immediately preceding their transfer, action upon the record, ments relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Secretary.

(f) In the exercise of the functions transferred under this Act, the Secretary shall have the same authority as that vested in the agency or office, or part thereof, exercising such functions immediately preceding their transfer, and the Secretary's actions in exercising such functions shall have the same force and effect as when exercised by such agency or office, or part thereof.

(g) The Secretary, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred in this Act to the Secretary may delegate any of such functions to such officers and employees of the Department, as the Secretary may designate, may authorize such successive redelegations of such functions as the Secretary may deem appropriate and may make such rules and regulations as may be necessary to carry out functions of the Secretary.

ADMINISTRATIVE PROVISIONS

SEC. 16. (a) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the

Secretary shall find to be desirable in the interest of economy and efficiency in the Department including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such fund shall be reimbursed in advance from available funds of agencies and offices in the Department or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses) considered above the amounts transferred or appropriated to establish and maintain such fund.

(b) In addition to the authority contained in any other Act which is transferred to and vested in the Secretary as necessary, and when not otherwise available, the Secretary is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote localities:

(1) emergency medical services and supplies;

(2) food and other subsistence supplies;

(3) motion picture equipment and film for recreation and training; and

(4) living and working quarters and facilities.

The furnishing of medical treatment under paragraph (1) and the furnishing of services and supplies under paragraphs (2) and (3) of this subsection shall be at prices reflecting reasonable value as determined by the Secretary and the proceeds therefrom shall be credited to the appropriation from which the expenditure was made.

(c) (1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary.

(2) Upon the request of the Secretary the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any monies contained in the fund provided for in paragraph (1). Income accruing from such securities, and from any other property held by the Secretary pursuant to paragraph (1) shall be deposited to the credit of the fund, and shall be disbursed upon order of the Secretary.

(d) Nothing contained in this section is intended to amend, modify, or repeal any provisions of law administered by the Department of Health, Education, and Welfare which authorize the making of contracts for research.

ANNUAL REPORT

SEC. 17. The Secretary shall, as soon as practicable after the end of each fiscal year, prepare a report to the President for submission to the Congress on the activities of the Department during the preceding fiscal year. Each such report shall also contain objective data regarding changing trends in education, including enrollments, expenditures, numbers of teachers and other categories of professional and related personnel; special needs of critical concern such as the disadvantaged, rural, and urban education, and progress made toward the continuing renewal of education; the results and outcomes of education and schooling, including the overall results on generally recognized standard examinations for entrance to undergraduate and graduate institutions; budget projections for five years based on actual or anticipated appropriations for the fiscal year in which the annual report is issued; recommendations as to the improvement of programs for the handicapped, recommendations with respect to the advisory structure of the Department, including the names and composition of advisory committees and councils and the relationships the committees and councils bear to one another and recommendations as to the elimination of overlapping advisory committees and similar data.

CONFORMING AMENDMENTS

SEC. 18. (a) Section 19 (d) (1) of title 3, United States Code, is amended—

(1) by striking out "Secretary of Health, Education, and Welfare"; and

(2) by inserting before the period at the end thereof a comma and the following: "Secretary of Health and Welfare, Secretary of Education".

(b) Section 101 of title 5, United States Code, is amended—

(1) by striking out "Health, Education, and Welfare." and inserting "Health and Welfare."; and

(2) by adding at the end thereof: "The Department of Education.".

(c) Section 5312 of title 5, United States Code, is amended—

(1) by striking out

"(10) Secretary of Health, Education, and Welfare."

and inserting in lieu thereof

"(10) Secretary of Health and Welfare.";

(2) by striking out "(13)" and inserting in lieu thereof "(14)"; and

(3) by inserting immediately after

"(12) Secretary of Transportation."

the following:

"(13) Secretary of Education.".

(d) Section 5314 of title 5, United States Code, is amended—

(1) by striking out

"(6) Under Secretary of Health, Education, and Welfare."

and inserting in lieu thereof:

"(6) Under Secretary of Health and Welfare."; and

(2) by adding at the end thereof the following:

"(62) Under Secretary of Education.".

(e) Section 5315 of title 5, United States Code, is amended—

(1) by striking out "Assistant Secretaries of Health, Education, and Welfare (5)" and inserting in lieu thereof the following: "Assistant Secretaries of Health and Welfare (4)";

(2) by striking out "General Counsel of the Department of Health, Education, and Welfare." and inserting in lieu thereof the following: "General Counsel of the Department of Health and Welfare."; and

(3) by adding at the end thereof the following:

"(114) Assistant Secretary of Education for Legislative and Public Affairs.

"(115) Assistant Secretary of Education for Administrative and Management Policy.

"(116) Assistant Secretary of Education for Evaluation and Planning.

"(117) Assistant Secretary of Education for Intergovernmental Relations.

"(118) General Counsel, Department of Education.

"(119) Inspector General, Department of Education.".

EXPENDITURES AUTHORIZED

SEC. 19. The Secretary is authorized to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for lawbooks, books of reference and periodicals, and for printing and binding) as may be necessary to carry out the provisions of this Act, and as may be provided for by the Congress from time to time.

APPROPRIATIONS AUTHORIZED

SEC. 20. There are authorized to be appropriated such sums as may be necessary to enable the Department to carry out the provisions of this Act and to perform any other duties which may be imposed upon it by law.

EFFECTIVE DATE

SEC. 21. The provisions of this Act shall be effective on its date of enactment.

95TH CONGRESS
1ST SESSION

S. 255

IN THE SENATE OF THE UNITED STATES

JANUARY 14, 1977

Mr. HUMPHREY introduced the following bill; which was read twice and referred to the Committee on Government Operations

---

A BILL

To establish a Department of Education.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education Reorganization Act of 1975".

DEPARTMENT ESTABLISHED

SEC. 2. There is established an executive department which shall be known as the Department of Education (hereinafter referred to as the "Department"). There shall be at the head of the Department a Secretary of Education (hereinafter referred to as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate prescribed for level I of the Federal Executive Salary Schedule established under section 5312 of title 5, United States Code. The Department shall be administered under the supervision and direction of the Secretary.

FUNCTION AND PURPOSE

SEC. 3. The function and purpose of the Department shall be to promote the cause and advancement of education throughout the Nation. To that end the Secretary shall, among his responsibilities, (1) advise the President with respect to the progress of education; (2) develop and recommend to the President appropriate policies and programs to foster the orderly growth and development of the Nation's educational facilities and resources; (3) exercise leadership at the direction of the President in coordinating Federal activities affecting education; (4) conduct continuing comprehensive surveys, collect data, and make available findings, on the progress of education; (5) provide information and such other assistance as may be authorized by the Congress to aid in the maintenance of efficient school systems; and (6) encourage comprehensive planning by the State and local governments with a view to coordinating Federal, State, and community educational activities at the local level.

UNDER SECRETARY AND OTHER OFFICERS

SEC. 4. There shall be in the Department an Under Secretary, four Assistant Secretaries, and a General Counsel, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such functions and duties as the Secretary may prescribe. The Under Secretary shall receive compensation at the rate prescribed for level III of the Federal Executive Salary Schedule established under section 5314 of title 5, United States Code, and the Assistant Secretaries and General Counsel shall receive compensation at the rate prescribed for level IV under section 5315 of such title. The Under Secretary (or during the absence or disability of the office of Under Secretary, an Assistant Secretary determined according to such order as the Secretary shall prescribe) shall act as Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary.

PROVISIONS OF LAW APPLICABLE TO THE DEPARTMENT

SEC. 5. Except to the extent inconsistent with this Act, all provisions of law applicable to the executive departments generally shall apply to the Department.

SEAL

SEC. 6. The Secretary shall cause a seal of office to be made for the Department, of such design as the President shall approve, and judicial notice shall be taken thereof.

DELEGATION OF AUTHORITY

SEC. 7. The Secretary may, without being relieved of his responsibility therefor, and unless prohibited by some specific provision of law, perform any function vested in him through or with the aid of such officials or organizational entities of the Department as he may designate.

TRANSFER TO DEPARTMENT

SEC. 8. (a) The Education Division of the Department of Health, Education, and Welfare, consisting of the Office of Education and the National Institute of Education, together with all of its functions, personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds is transferred to the Department, and all functions of the Secretary of Health, Education, and Welfare being administered through such division, and all functions of the Secretary of Health, Education, and Welfare, and all functions of the Assistant Secretary of Health, Education, and Welfare for Education, and all functions of the Commissioner of Education with respect to such Division, Office, and Institute, are transferred to the Secretary.

(b) The following additional functions of the Secretary of Health, Education, and Welfare are transferred to the Secretary:

(1) With respect to and being administered by

the Secretary of Health, Education, and Welfare through the Office of Child Development;

(2) With respect to all laws dealing with the relationship between Gallaudet College, Howard University, and American Printing House for the Blind, and the Department of Health, Education, and Welfare;

(3) Under section 394 of the Communications Act of 1934, relating to Federal grants for the construction of television broadcasting facilities to be used for educational purposes; and

(c) There are transferred to the Secretary all functions of the Secretary of Housing and Urban Development under title IV of the Housing Act of 1950 relating to college housing.

(d) There are transferred to the Secretary all functions of the National Science Foundation which the Director of the Office of Management and Budget determines relate to instructional personnel development programs, instructional program development, and programs in computer innovations designed for use in education.

(e) All personnel, property, leases, obligations, and commitments and unexpended balances of appropriations, allocations, and other funds which the Director of the Office of Management and Budget determines are to be used with respect to any office, agency, bureau, foundation, or function transferred under the provisions of this section, are transferred to the Department of Education.

ADDITIONAL TRANSFERS

SEC. 9. The President is authorized to transfer to the Department of Education any other agency or instrumentality of the Federal Government which he determines has functions relating to education and should be transferred to the Department of Education to promote efficiency in Government and to carry out the purposes of this Act. Such transfers shall be completed within one hundred and eighty days after the date of enactment of this Act, and a report describing such transfers shall be submitted to the Congress not later than thirty days thereafter.

FEDERAL INTERAGENCY COMMITTEE ON EDUCATION

SEC. 10. (a) There is hereby established a Federal Interagency Committee on Education (hereafter referred to as the "Committee").

(b) The Committee shall study and recommend such actions as may be necessary to assure effective coordination of Federal programs affecting education, including—

(1) development of Federal programs in accordance with the educational goals and policies of the Nation;

(2) consistent administration of policies and prac-

tices among Federal agencies in the conduct of similar programs;

(3) full and effective communication among Federal agencies to avoid unnecessary duplication of activities;

(4) adequate procedures for the availability of information on educational matters requested by the Secretary;

(5) set uniform standards, review the operations of, and set policy guidelines for all non-mission-oriented training programs and schools operated by the Federal agencies; and

(6) full and effective cooperation with the Secretary on such studies and analyses as are necessary to carry out the purposes of this Act.

(c) The Committee shall make an annual report, to the President for submission to the Congress once each year, on all Federal programs affecting education.

(d) The Committee shall, within ninety days of the enactment of this Act, advise the President with respect to his responsibilities under section 9.

(e) The Committee shall be composed of the Secretary, who shall be the Chairman, and one appropriate representative of each of the following: The Department of State, the Department of Defense, the Department of Agriculture, the Department of Labor, the Department of Health and Welfare, the Department of Housing and Urban Development, the National Science Foundation, the Energy Research and Development Administration, the National Aeronautics and Space Administration, the National Endowments for the Arts and the Humanities, and the Community Services Administration. Other members may be added by Executive order of the President as he determines may be necessary.

(f) The Chairman may invite Federal agencies in addition to agencies represented on the Committee under the provisions of subsection (d) of this section to designate representatives to participate in meetings of the Committee on matters of substantial interest to such agencies which are to be considered by the Committee.

(g) The Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, and the Executive Director of the Domestic Council may each designate a member of his staff to attend meetings of the Committee as observers.

(h) Each Federal agency which is represented on the Committee under the provisions of subsection (d) of this section shall furnish necessary assistance to the Committee in accordance with section 214 of the Act of May 3, 1945 (31 U.S.C. 691).

NATIONAL ADVISORY COMMISSION ON EDUCATION

SEC. 11. (a) There is hereby established a National Advisory Commission on Education (hereafter referred to as the "National Commission") composed of fifteen members appointed by the President, by and with the advice and consent of the Senate from among individuals—

(1) who are familiar with the educational needs and goals of the United States,

(2) who have competence in assessing the progress of educational agencies, institutions, and organizations in meeting those needs and achieving those goals,

(3) who are familiar with the administration of State and local educational agencies and of institutions of higher education, and

(4) who are representative of the mass media, industry, and the general public.

Members shall be appointed for terms of three years, except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one-year each and one-third of the members shall be appointed for terms of two-years each, and (2) appointments to fill the unexpired portion of any terms shall be for such portion only.

(b) The National Commission shall—

(1) review the administration of, general regulations for, and operation of Federal education programs;

(2) advise the Secretary and other Federal officials with respect to the educational needs and goals of the Nation and assess the progress of appropriate agencies, institutions, organizations of the Nation in order to meet those needs and achieve those goals;

(3) conduct objective evaluations of specific education programs and projects in order to ascertain the effectiveness of such programs and projects in achieving the purpose for which they are intended;

(4) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of Federal education programs;

(5) consult with Federal, State, and local and other educating agencies, institutions, and organizations with respect to assessing education in the United States and the improvement of the quality of education, including—

(A) areas of unmet needs in education and national goals and the means by which those areas of need may be met and those national goals may be achieved;

(B) determination of priorities among unmet needs and national goals; and

(C) specific means of improving the quality and effectiveness of teaching, curricula, and educational media and of raising standards of scholarship and levels of achievement;

(6) conduct national conferences on the assessment, improvement, and renewal of education, in which national and regional education associations and organizations, State and local education officers and administrators, and other education related organizations, institutions, and persons (including parents of children participating in Federal education programs) may exchange and disseminate information on the improvement of education;

(7) conduct, and report on, comparative studies and evaluations of education systems in foreign countries; and

(8) advise and assist in the coordination of all the advisory bodies to Federal education programs.

(c) The National Commission shall make an annual report and such other reports as it deems appropriate, concerning its findings, recommendations, and activities to the President for submission to the Congress once each year.

(d) In carrying out its responsibilities under this section, the National Commission shall take, together with the Secretary, whatever action is necessary to carry out section 448 of the General Education Provisions Act, to devise a manageable and effective advisory structure for the Department. The National Commission shall advise the Secretary on the number of advisory bodies that are necessary and the manner in which such bodies relate to one another. The National Commission shall consult with the National Advisory Council on the Education of Disadvantaged Children, the National Advisory Council on Supplementary Centers and Services, the National Advisory Council on Education Professions Development, the National Advisory Council on Educational Research and Development, and such other advisory councils and committees as may be appropriate to carry out its functions under this subsection. All Federal agencies are directed to cooperate with the National Commission in carrying out its functions under this subsection.

(e) The National Commission is authorized to engage such technical assistance as may be required to carry out its functions and the Secretary shall, in addition, make available to the National Commission such secretarial, clerical, and other assistance and such pertinent data prepared by the Department as the National Commission may require to carry out its functions.

(f) Members of the National Commission who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the National Commission or while otherwise engaged in the business of the National Commission, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS–18 under section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the National Commission away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(g) The President shall appoint the National Commission not later than thirty days after the date of enactment of this Act.

TRANSFER MATTERS

SEC. 12. All laws relating to any agency or function transferred under this Act shall, insofar as such laws are not inapplicable, remain in full force and effect. Any transfer of personnel pursuant to this Act shall be without change in classification or compensation, except that this requirement shall not operate to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned. All orders, rules, regulations, permits, or other privileges made, issued, or granted by any agency or in connection with any functions transferred by this Act, and in effect at the time of the transfer, shall continue in effect to the same extent as if such transfer had not occurred, until modified, superseded, or repealed. No suit, action, or other proceeding lawfully commenced by or against any agency or any officer of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this Act, but the court, on motion or supplemental petition filed at any time within twelve months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the appropriate agency or officer of the United States.

ANNUAL REPORT

SEC. 13. The Secretary shall, as soon as practicable after the end of each calendar year, make a report to the President for the submission to the Congress on the activities of the Department during the preceding calendar year. Such report shall also contain objective data on enrollments, expenditures, numbers of teachers, administrative, supervisory, and auxiliary personnel, numbers of professionals who lack full qualifications, needs for classroom and other construction, special needs of critical areas such as urban and rural areas, and similar data.

CONFORMING AMENDMENTS

SEC. 14. (a) Section 19(d) (1) of title 3, United

States Code, is amended by striking out "Secretary of Health, Education, and Welfare" at the end thereof and inserting the following: "Secretary of Health and Welfare, Secretary of Education."

(b) Section 1 of title 5, United States Code, is amended by adding at the end thereof: "Eleventh. The Department of Education." and by striking out "Health, Education, and Welfare" and inserting "Health and Welfare."

(c) Any reference to the Office of Education or the Commissioner of Education, in any other law, rule, regulation, certificate, directive, instruction, license, or other official paper in force on the effective date of this Act shall be deemed to refer and apply to the Department of Education or the Secretary of Education, as may be appropriate.

(d) Any reference to the Department of Health, Education, and Welfare or the Secretary of Health, Education, and Welfare in any other law, rule, regulation, certificate, directive, instruction, license, or other official paper in force on the effective date of this Act shall be deemed to refer and apply to the Department of Health and Welfare and the Secretary of Health and Welfare respectively.

EXPENDITURES AUTHORIZED

SEC. 15. The Secretary is authorized to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for lawbooks,

books of reference and periodicals, and for printing and binding) as may be necessary to carry out the provisions of this Act, and as may be provided for by the Congress from time to time.

APPROPRIATIONS AUTHORIZED

SEC. 16. There are authorized to be appropriated such sums as may be necessary to enable the Department to carry out the provisions of this Act and to perform any other duties which may be imposed upon it by law.

EFFECTIVE DATE

SEC. 17. The provisions of this Act shall be effective on its date of enactment, except that section 8 shall be effective within ninety days following such date.

95TH CONGRESS
1ST SESSION

S. 300

IN THE SENATE OF THE UNITED STATES

JANUARY 18, 1977

Mr. BELLMON (for Mr. BARTLETT) introduced the following bill; which was read twice and referred to the Committee on Government Operations

---

A BILL

To establish a Department of Education.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Education".

DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hearby declares that the national interest requires (1) that adequate recognition be given to the fundamental importance to our society of education and training in its broadest aspect and to the importance within the Federal structure of the agency charged with the responsibility of carrying out Federal policy in education; and (2) that Federal programs designed to provide financial support for education at all levels be coordinated and administered in such a way as to eliminate duplication of effort and conflicting policies and procedures.

(b) The Congress further finds and declares that these vital objectives cannot be achieved so long as major Federal programs and responsibilities in this field are fragmented among several agencies and departments and their administration relegated to relatively minor levels within the executive branch, and that it is therefore necessary and desirable to establish a new department to carry out the major Federal programs affecting education.

ESTABLISHMENT OF DEPARTMENT

SEC. 3. (a) There is hereby established at the seat of government an executive department to be known as the Department of Education. There shall be at the head of the Department a Secretary of Education, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department a Deputy Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary (or, during the absence or disability of the Deputy Secretary, or in the event of a vacancy in the office of the Deputy Secretary, an Assistant Secretary or the General

Counsel, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, during the absence or disability of the Secretary or in the event of a vacancy in the office of the Secretary. The Deputy Secretary shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

(c) There shall be in the Department four Assistant Secretaries and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

TRANSFERS TO DEPARTMENTS

SEC. 4. (a) There are hereby transferred to the Secretary all functions of the Office of Education and of the Commissioner of Education and other officers and offices of the Office of Education.

(b) There are hereby transferred to the Secretary all functions of the Director of the Office of Economic Opportunity, and of the other officers and offices of such Office (including functions delegated or carried on outside of such Office) under the following provisions of the Economic Opportunity Act of 1964:

(1) Sections 222(a)(1), 222(a)(2), 222(a)(5),

and 222(a)(10) (relating to assistance for Head Start, Follow Through, and Upward Bound programs not conducted by community action agencies, and to an "Environmental Action" program).

(c) There are hereby transferred to the Secretary all functions of the Secretary of Health, Education, and Welfare—

(1) under the following laws and provisions of law (relating generally to education):

(A) Section 653 of the Education of the Handicapped Act.

(B) Section 211 of the Appalachian Regional Development Act of 1965 (relating to vocational education facilities in the Appalachian region).

(C) The International Education Act of 1966.

(D) Title VI and section 1001(d) of the National Defense Education Act of 1958 (relating to language development programs and consultation with other Federal agencies).

(E) Section 403 of the General Education Provisions Act (relating to supervision of Office of Education).

(F) Sections 427(a)(2)(D) and 427(b) of the Higher Education Act of 1965 (relating to interest rate on certain student loans).

(G) The Act of July 2, 1862 (7 U.S.C. 301 et seq.), and the Act of August 30, 1890 (7 U.S.C. 321 et seq.) relating to land-grant colleges.

(H) Part B of the General Education Provisions Act (relating to advance funding).

(I) Part B of title X of the Higher Education Act of 1965 (relating to improvement of postsecondary education).

(J) Section 706 of the Emergency School Aid Act (relating to waivers of ineligibility).

(K) The Juvenile Delinquency Prevention Act.

(2) under the following laws and provisions of law (relating to Howard University, Gallaudet College, and Model Secondary School for the Deaf):

(A) The Act of March 3, 1893 (20 U.S.C. 121; 27 Stat. 595), the Act of July 1, 1898 (20 U.S.C. 121; 30 Stat. 624), and the Act of March 3, 1899, chapter 424 (20 U.S.C. 122; 30 Stat 1101), insofar as such Acts relate to Howard University.

(B) Section 441 of the Revised Statutes (D.C. Code, sec. 31-1022).

(C) The Act of June 18, 1954 (D.C. Code, sec. 31-1025 et seq.).

(D) The Model Secondary School for the Deaf Act (D.C. Code, sec. 31-1051 et seq.).

(3) under the following provisions of law (relating to appointment and compensation of advisory committees):

(A) The Cooperative Research Act (20 U.S.C. 331 et seq.).

(B) Sections 309, 541, 604, 708, and 906 of the Elementary and Secondary Education Act of 1965.

(C) Section 761 of the National Defense Education Act of 1958.

(D) Sections 1[illegible] 205, and 303 of the Higher Education Act of 1965.

(E) Section 716 of the Emergency School Aid Act.

(F) Sections 104(a)(2)(B) and 104(a)(5) of the Vocational Education Act of 1963,

(G) Section 310 of the Adult Education Act.

(d) There are hereby transferred to the Secretary all functions of the Assistant Secretary for Education.

(e) There are hereby transferred to the Secretary all functions of—

(1) the Secretary of Defense and the Secretaries of the military departments under (A) the Defense De-

partment Overseas Teachers Pay and Personnel Practices Act. and (B) section 606(a) of the Department of Defense Appropriation Act, 1968, or any comparable provision of subsequent appropriation Acts; and

(2) the Secretary of the Navy under section 7204 of title 10, United States Code (relating to schools for dependents of members of the naval service).

(f) Within one hundred and eighty days of the effective date of this Act the President may transfer to the Secretary any function not transferred to the Secretary by the preceding subsections of this section, if the Director of the Office of Management and Budget determines such function relates primarily to functions transferred by such subsections to the Secretary.

REDESIGNATION OF DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 5. (a) The Department of Health, Education, and Welfare, the Secretary of Health, Education, and Welfare, the Under Secretary of Health, Education, and Welfare, the Assistant Secretaries of Health, Education, and Welfare, the General Counsel of the Department of Health, Education, and Welfare, and the Assistant Secretary of Health, Education, and Welfare for Administration shall on and after the effective date of this Act be known and designated as the Department of Health and Welfare, the Secretary of Health and

Welfare, the Under Secretary of Health and Welfare, the Assistant Secretaries of Health and Welfare, the General Counsel of the Department of Health and Welfare, and the Assistant Secretary of Health and Welfare for Administration, respectively.

(b) Any reference in a law, regulation, document, or record of the United States to the Department of Health, Education, and Welfare or an office the title of which is redesignated by subsection (a) of this section shall be held and considered to be a reference to the Department of Health and Welfare or to such office as so redesignated.

ADMINISTRATIVE PROVISIONS

SEC. 6. (a) In addition to the authority contained in any other Act which is transferred to the Secretary, the Secretary is authorized, subject to the civil service and classification laws, to select, appoint, employ, and fix the compensation of such officers and employees, including investigators, attorneys, and hearing examiners, as are necessary to carry out his functions and to prescribe their authority and duties.

(b) The Secretary may obtain services as authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 per diem for individuals unless otherwise specified in an appropriation Act.

(c) The Secretary may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred to the Secretary in this Act, delegate any of his functions to such officers and employees of the Department as he may designate, may authorize such successive redelegations of such functions as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions.

(d) The personnel, assets, liabilities, contracts, property, records, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the Office of Education, and of the Commissioner of Education and other officers and offices thereof, are hereby transferred to the Secretary.

(e) So much of the positions, personnel, assets, liabilities, contracts, property, records, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available in connection with the functions transferred by section 4 (except section 4 (a)) of this Act as the Director of the Office of Management and Budget shall determine shall be transferred to the Secretary. Except as provided in subsection (f) personnel engaged in functions transferred under this Act shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(f) The transfer of personnel pursuant to subsections

(d) and (e) of this section shall be without reduction in classification or compensation for one year after such transfer.

(g) In any case where all of the functions of any office or agency are transferred pursuant to this Act, such office or agency shall lapse.

(h) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative service as he shall find to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such fund shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund.

(i) The Secretary may approve a seal of office for the Department, and judicial notice shall be taken of such seal.

(j) In addition to the authority contained in any other Act which is transferred to and vested in the Secretary, as necessary, and when not otherwise available, the Secretary is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote localities:

(1) Emergency medical services and supplies;

(2) Food and other subsistence supplies;

(3) Messing facilities;

(4) Motion picture equipment and film for recreation and training; and

(5) Living and working quarters and facilities.

The furnishing of medical treatment under paragraph (1) and the furnishing of services and supplies under paragraphs (2) and (3) of this subsection shall be at prices reflecting reasonable value as determined by the Secretary, and the proceeds therefrom shall be cedited to the appropriation from which the expenditure was made.

(k) (1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary.

(2) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in paragraph (1). Income accruing from such securities, and from any other property held by the Secretary pursuant to paragraph (1), shall be deposited to the credit of the fund, and shall be disbursed upon order of the Secretary.

(l) The Secretary is authorized to appoint, without regard to the civil service laws, such advisory committees as may be appropriate for the purpose of consultation with and advice to the Department in performance of its functions. Members of such committees, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under subsection (b) of this section, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(m) (1) The Secretary is authorized to enter into contracts with educational institutions, public or private agencies or organizations, or individuals for the conduct of research into any aspect of the problems related to the programs of the Department which are authorized by statute.

(2) The Secretary may from time to time disseminate in the form of reports or publications to public or private agencies or organizations, or individuals such information as he deems pertinent on the research carried out pursuant to this subsection.

(3) Nothing contained in this subsection is intended to amend, modify, or repeal any provisions of law administered

by the Department which authorize the making of contracts for research.

AMENDMENTS TO OTHER LAWS

SEC. 7. (a) Section 19(d)(1) of title 3, United States Code, is hereby amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Welfare", and by inserting before the period at the end thereof the following: ", Secretary of Education".

(b) Section 101 of title 5 the United States Code is amended by striking out ", Education," in the antepenultimate paragraph, and by inserting below the last paragraph the following:

"The Department of Education".

(c) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title 5 of the United States Code is amended as follows:

(1) Section 5312 is amended by striking out ", Education," in the paragraph (10), and by adding below paragraph (12) the following:

"(13) Secretary of Education.".

(2) Section 5314 is amended by striking out ", Education," in paragraph (7) and by adding below paragraph (59) the following:

"(60) Deputy Secretary of Education.".

(3) Section 5315 is amended by striking out ", Education," in paragraphs (17), (41), and (97), and by adding after paragraph (97) the following:

"(98) General Counsel, Department of Education.

"(99) Assistant Secretaries of Education (4).".

(4) Section 5316 is amended by striking out "Education," in paragraphs (24), (43), (52), (53), and (95).

(5) Section 5317 is amended by striking out "thirty-four" and inserting in lieu thereof "thirty-six".

(d) Sections 5315 (41) and (88) of title 5, United States Code, are repealed.

(e) Section 106(a) of the International Education Act of 1966 is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education", and by striking out "the Assistant Secretary of Health, Education, and Welfare for Education" and inserting in lieu thereof "an Assistant Secretary of Education".

(f) Section 502(1) of the Economic Opportunity Act of 1964 is amended by striking out "basic education,".

(g) Section 431 of the General Education Provisions Act and section 141(c)(4) of the Education Amendments of 1972 are each amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(h) Section 442(b)(3) of the Indian Education Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Welfare or of the Department of Education.".

ANNUAL REPORT

SEC. 8. The Secretary shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President for submission to the Congress on the activities of the Department during the preceding fiscal year.

SAVINGS PROVISIONS

SEC. 9. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective—

(A) under any provision of law amended by this Act, or

(B) in the exercise of duties, powers, or functions which are transferred under this Act,

by (i) any department or agency, any functions of which are transferred by this Act, or (ii) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency (or component thereof), functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the department or agency before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted. No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such department or agency is transferred to the Secretary, or

(B) any function of such department, agency, or officer is transferred to the Secretary,

then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the

Secretary, in which case the suit shall be continued by the department, agency, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function, power, or duty transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, officer or office so transferred or functions of which are so transferred shall be deemed to mean the officer or agency in which this Act vests such function after such tranfer.

(e) Orders and actions of the Secretary in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the department or agency exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administration review that apply to any function transferred by this Act shall apply to the exercise of such function by the Secretary.

(f) In the exercise of the functions transferred under this Act, the Secretary shall have the same authority as that vested in the department or agency exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such department or agency.

CODIFICATION

SEC. 10. The Secretary is directed to submit to the Congress within two years from the effective date of this Act a proposed codification of all laws which contain functions transferred to the Secretary by this Act.

DEFINITIONS

SEC. 11. For purposes of this Act:

(1) The term "Department" means Department of Education.

(2) The term "Secretary" means Secretary of Education.

(3) The term "function" includes power and duty.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 12. (a) This Act shall take effect ninety days after the enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Any of the officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Department pursuant to this Act.

SEC. 13. All references to "Commissioner of Education" in the text of this bill shall be changed to "Secretary of Education" to conform with the provisions of this title.

95th CONGRESS
1st Session

S. 894

IN THE SENATE OF THE UNITED STATES

March 3 (legislative day, February 21), 1977

Mr. Matsunaga introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

---

A BILL

To establish an Executive Department to be known as the Department of Education, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, There is hereby established an executive department which shall be known as the Department of Education (hereinafter referred to as the "Department"). There shall be at the head of the Department a Secretary of Education (hereinafter referred to as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate prescribed for level I of the Federal Executive Salary Schedule established by the Federal Executive Salary Act of 1964. The Department shall be administered under the supervision and direction of the Secretary.

FUNCTION AND PURPOSE

SEC. 2. The function and purpose of the Department shall be to promote the cause and advancement of education throughout the Nation. To that end the Secretary shall, among his responsibilities, (1) advise the President with respect to the progress of education; (2) develop and recommend to the President appropriate policies and programs to foster the orderly growth and development of the Nation's educational facilities and resources; (3) exercise leadership at the direction of the President in coordinating Federal activities affecting education; (4) conduct continuing comprehensive surveys, collect data, and make available findings, on the progress of education; (5) provide information and such other assistance as may be authorized by the Congress to aid in the maintenance of efficient school systems; and (6) encourage comprehensive planning by the State and local governments with a view to coordinating Federal, State, and community educational activities at the local level.

UNDER SECRETARY AND OTHER OFFICERS

SEC. 3. There shall be in the Department an Under Secretary, four Assistant Secretaries, and a General Counsel, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such functions and duties as the Secretary may prescribe. The Under Secretary shall receive compensation at the rate prescribed for level III of the Federal Executive Salary Schedule established by the Federal Executive Salary Act of 1964, and the Assistant Secretaries and General Counsel shall receive compensation at the rate prescribed for level IV of such Schedule. The Under Secretary (or during the absence or disability of the Under Secretary, or in the event of a vacancy in the office of Under Secretary, an Assistant Secretary determined according to such order as the Secretary shall prescribe) shall act as Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary.

PROVISIONS OF LAW APPLICABLE TO THE DEPARTMENT

SEC. 4. Except to the extent inconsistent with this title, all provisions of law applicable to the executive departments generally shall apply to the Department.

SEAL

SEC. 5. The Secretary shall cause a seal of office to be made for the Department, or such design as the President shall approve, and judicial notice shall be taken thereof.

DELEGATION OF AUTHORITY

SEC. 6. The Secretary may, without being relieved of his responsibility therefor, and unless prohibited by some specific provision of law, perform any function vested in him through or with the aid of such officials or organizational entities of the Department as he may designate.

TRANSFERS TO DEPARTMENT

SEC. 7. (a) The United States Office of Education, together with all of its functions, personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations and other funds (available or to be made available), is hereby transferred to the Department, and all functions of the Secretary of Health, Education, and Welfare being administered through such Office, and all functions of the Secretary of Health, Education, and Welfare with respect to such Office, are transferred to the Secretary.

(b) All laws dealing with the relationship between Gallaudet College, Howard University, Freedmen's Hospital, and American Printing House for the Blind, respectively, and the Secretary of Health, Education, and Welfare or the Department of Health, Education, and Welfare are hereby amended to substitute "Secretary of Education" for "Secretary of Health, Education, and Welfare", and to substitute "Department of Education" for "Department of Health, Education and Welfare".

(c) Section 394 (3) of the Act to amend the Communications Act of 1934 to establish a program of Federal matching grants for the construction of television broadcasting facilities to be used for educational purposes (Public Law 87-447) is hereby amended to substitute "Secretary of Education" for "Secretary of Health, Education, and Welfare".

(d) The President shall transfer to the Department from other departmental agencies, and instrumentalities of the Federal Government such additional functions relating to education as he determines necessary or appropriate to promote efficiency in Government and to carry out the purposes of this title. Such transfers shall be completed within 180 days after the date of enactment of this Act.

TRANSFER MATTERS

SEC. 8. All laws relating to any agency or function transferred under this title shall, insofar as such laws are not inapplicable, remain in full force and effect. Any transfer of personnel pursuant to this title shall be without change in classification or compensation, except that this requirement shall not operate to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned. All orders, rules, regulations, permits, or other privileges made, issued, or granted by any agency or in connection with any functions transferred by this title, and in effect at the time of the transfer, shall continue in effect to the same extent as if such transfer had not occurred, until modified, superseded, or repealed. No suit, action, or other proceeding lawfully commenced by or against any agency or any officer of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this title, but the court, on motion or supplemental petition filed at any time within twelve months after such transfer takes effect, showing a necessity for a survivial of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the appropriate agency or officer of the United States.

ANNUAL REPORT

SEC. 9. The Secretary shall, as soon as practicable after the end of each calendar year, make a report to the President for the submission to the Congress on the activities of the department during the preceding calendar year. Such report shall also contain objective data on enrollments, expenditures, numbers of teachers, numbers of professionals who lack full qualifications, needs for classroom and other construction, special needs of critical areas such as urban areas, and similar data.

CONFORMING AMENDMENTS

SEC. 10. (a) Section 19 (d) (1) of the Act of June 25, 1958, is hereby amended by striking out the phrase "Secretary of Health, Education, and Welfare" at the end thereof and inserting the following: "Secretary of Health and Welfare, Secretary of Education".

(b) Section 158 of the Revised Statutes (5 U.S.C. 1) is amended by adding at the end thereof: "Eleventh. The Department of Education." and by amending the phrase "Health, Education, and Welfare" to read "Health and Welfare".

(c) Any reference to the Office of Education or the Commissioner of Education, in any other law, rule, regulation, certificate, directive, instruction, license, or other official paper in force on the effective date of this title shall be deemed to refer and apply to the Department or the Secretary, as may be appropriate.

(d) Any reference to the Department of Health, Education, and Welfare or the Secretary of Health, Education, and Welfare in any other law, rule, regulation, certificate, directive, instruction, license, or other official paper in force on the effective date of this title shall be deemed to refer and apply to the Department of Health and Welfare and the Secretary of Health and Welfare, respectively.

FEDERAL INTERAGENCY COMMITTEE ON EDUCATION

SEC. 11. (a) There is hereby established a Federal interagency Committee on Education (hereafter referred to as the "Committee").

(b) The Committee shall study and recommend such actions as may be necessary to assure effective coordination of Federal programs affecting education, including: (1) development of Federal programs in accordance with the educational goals and policies of the Nation; (2) consistent administration of policies and practices among Federal agencies in the conduct of similar programs; (3) full and effective communication among Federal agencies to avoid unnecessary duplication of activities; (4) adequate procedures for the availability of information on educational matters requested by the Secretary; and (5) full and effective cooperation with the Secretary on such studies and analyses as are necessary to carry out the purposes of this title.

(c) The Committee shall, not later than July 1, 1972, advise the President with respect to his responsibilities under subsection (d) of section 7 of this Act.

(d) The Committee shall be composed of the Secretary, who shall be the Chairman, and one appropriate representative of each of the following: the Department of State, the Department of Defense, the Department of Agriculture, the Department of Labor, the Department of Health and Welfare, the National Science Foundation, the Atomic Energy Commission, and the National Aeronautics and Space Aministration.

(e) The Chairman may invite Federal agencies in addition to those which are represented on the Committee under the provisions of subsection (d) of this section to designate representatives to participate in meetings of the Committee on matters of substantial interest to such agencies which are to be considered by the Committee.

(f) The Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, and the Director of the Office of Science and Technology may each designate a member of his staff to attend meetings of the Committee as an observer.

(g) Each Federal agency which is represented on the Committee under the provisions of subsection (d), of this section, shall furnish necessary assistance to the Committee in accordance with section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691).

EXPENDITURES AUTHORIZED

SEC. 12. The Secretary is authorized to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for lawbooks, books of reference and periodicals, and for printing and binding) as may be necessary to carry out the provisions of this Act, and as may be provided for by the Congress from time to time.

APPROPRIATIONS AUTHORIZED

SEC. 13. There are authorized to be appropriated such sums as may be necessary to enable the Department to carry out the provisions of this title and to perform any other duties which may be imposed upon it by law.

EFFECTIVE DATE

SEC. 14. The provisions of this Act shall be effective on its date of enactment, except that section 7 shall be effective after ninety days following such date.

95th CONGRESS
1st Session

S. 1685

IN THE SENATE OF THE UNITED STATES

June 13 (legislative day, May 18), 1977

Mr. Hathaway introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To establish a Department of Education and Training, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Education Act of 1977".

FINDINGS AND PURPOSES

Sec. 2. The Congress finds that—

(1) education and training are of fundamental importance to the Nation and it is appropriate to reassess the condition of education and training in our Nation to insure that all Americans have an equal opportunity for quality education;

(2) existing Federal programs in support of education and training are fragmented and often duplicative and should be better coordinated in order to promote quality education;

(3) the role and importance of education and training increases as our society becomes more complex and new technologies and advancements are developed to meet changing needs;

(4) public policy toward education and training is vital to the present and long-range interests of the United States;

(5) education and training must be broadly conceived in terms of all those forces, institutions, and agencies which function as educating influences in the United States; and

(6) it is essential therefore to establish a Department of Education to provide Federal leadership, to insure effective enforcement of equal opportunity legislation in education and training, to weigh and consider major educational and training policy issues confronting the Nation, and to facilitate a continuing renewal of the educating and training institutions and policies of the United States.

DEPARTMENT OF EDUCATION ESTABLISHED

SEC. 3. There is established an executive department which shall be known as the Department of Education (hereinafter referred to as the "Department").

OFFICERS

SEC. 4. (a) The Department shall be administered by a Secretary of Education (hereinafter referred to as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate prescribed for level I of the Federal Executive Salary Schedule under section 5312 of title 5, United States Code. The Department shall be administered under the supervision and direction of the Secretary.

(b) There shall be in the Department an Under Secretary of Education who shall be appointed by the President by and with the advice and consent of the Senate. The Under Secretary shall perform such duties and exercise such powers as the Secretary shall prescribe. During the absence or disability of the Secretary, or in the event of a vacancy in the office of the Secretary, the Under Secretary shall act as Secretary. The Under Secretary shall receive compensation at the rate prescribed for level III of the Federal Executive Salary Schedule established under section 5314 of title 5, United States Code.

(c) There shall be in the Department a General Counsel and four Assistant Secretaries of Education as follows:

(1) Assistant Secretary of Education for Legislative and Public Affairs;

(2) Assistant Secretary of Education for Administrative and Management Policy;

(3) Assistant Secretary of Education for Evaluation and Planning; and

(4) Assistant Secretary of Education for Intergovernmental Relations.

Each of such Assistant Secretaries shall be appointed by the President, by and with the advice and consent of the Senate. Each such Assistant Secretary shall perform such duties and exercise such powers as the Secretary shall prescribe. During the absence or disability, or in the event of a vacancy in the office of the Secretary or of the Under Secretary, an Assistant Secretary determined according to such order as the Secretary shall prescribe shall act as Secretary. Each Assistant Secretary and the General Counsel shall receive compensation at the rate prescribed for level IV under section 5315 of title 5, United States Code.

POWERS AND DUTIES OF THE SECRETARY

SEC. 5. (a) The Secretary shall be responsible for the exercise of all functions of the Department, and shall have authority to direct and supervise all personnel and activities thereof.

(b) (1) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions, as may be necessary to carry out the purposes and functions of this Act.

(2) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(c) The Secretary may promulgate such rules and regulations as may be necessary to carry out the functions vested in the Secretary or in the Department, and may delegate authority for the performance of any such function to any officer or employee under the Secretary's direction and supervision.

(d) The Secretary shall cause a seal of office to be made for the Department, of such design as the President shall approve, and judicial notice shall be taken thereof.

FUNCTIONS OF THE DEPARTMENT

SEC. 6. (a) It is the principal function of the Department to promote the cause and advancement of education throughout the United States.

(b) In addition to any other function of the Secretary under the provisions of this Act, the Secretary is authorized to—

(1) advise the President with respect to the prog-

ress of education, including the recommendation of long-range goals and priorities;

(2) develop and recommend to the President appropriate policies and programs to foster the orderly growth and development of the educational facilities and resources of the United States especially in the light of long-range requirements;

(3) exercise leadership in coordinating Federal activities affecting education;

(4) conduct continuing comprehensive surveys, and to collect, analyze, and disseminate relevant information, data, and statistics, concerning education in the United States;

(5) provide information and such other assistance as may be authorized by the Congress to aid in the maintenance of efficient school, college, and university or other education systems;

(6) encourage comprehensive planning by State and local governments, especially with respect to coordinating Federal, State, and community educational activities at the local level; and

(7) provide leadership by conducting studies, making recommendations, and administering discretionary programs to facilitate the continuing development of the American educational system.

TRANSFER OF FUNCTIONS AND AGENCIES

SEC. 7. (a) There are transferred to the Secretary all functions of the Secretary of Health, Education, and Welfare or the Commissioner of Education, as the case may be—

(1) with respect to and being administered by the Secretary through the Education Division of the Department of Health, Education, and Welfare;

(2) with respect to and being administered by the Secretary through the Office of Child Development of the Department of Health, Education, and Welfare regarding Head Start;

(3) any advisory committee in the Department of Health, Education, and Welfare giving advice to and making recommendations which concern education primarily;

(4) under section 394 of the Communications Act of 1934, relating to Federal grants for the construction of television and radio broadcasting facilities to be used for educational purposes;

(5) with respect to and being administered by the Secretary through the Office of Civil Rights for the enforcement of those provisions of law and education orders which apply to educational institutions, including title VI (insofar as it relates to educational financial assistance) and titles VII and IX of the Education

Amendments of 1972 and Executive Order 11246 (insofar as it pertains to employer's holding Federal contracts in education);

(6) with respect to all functions of the National Foundation on the Arts and the Humanities including all functions of the National Endowment for the Arts and all functions of the National Endowment for the Humanities;

(7) with respect to all Federal laws concerning the relationship between Gallaudet College, Howard University, and American Printing House for the Blind, and the Department of Health, Education, and Welfare;

(8) with respect to the operation of schools for dependents of members of the Armed Forces by the Secretary of Defense;

(9) with respect to the operation of schools for Indian children being administered by the Secretary of the Interior through the Bureau of Indian Affairs;

(10) with respect to the National School Lunch Act, and the operation of the Graduate School, being administered by the Secretary of Agriculture;

(11) with respect to title IV of the Housing Act of 1950 relating to college housing, being administered by the Secretary of Housing and Urban Development;

(12) with respect to and being administered by

the Director of the National Science Foundation the Education Directorate;

(13) with respect to education and training programs operated by the Department of Labor;

(14) with respect to all other education and training programs operated by the Federal Government for officers and employees of the Federal Government.

(b) In any case where all of the functions of any agency or office are transferred pursuant to this Act, except any committee transferred under subsection (a) (3) of this section, such agency or office shall lapse.

(c) All officers, employees, assets, liabilities, contracts, records, property, leases, obligations, and commitments and unexpended balances of appropriations, allocations, and other funds which the Director of the Office of Management and Budget determines are to be employed, held, or used primarily in connection with any office, agency, bureau, foundation, or function transferred under the provisions of this Act, are hereby transferred to the Department.

TRANSFERRED PERSONNEL

SEC. 8. Each officer or employee of the United States or any department or agency thereof who is transferred at any time to the Department of Education shall be deemed, effective as of the date of such transfer, to be an officer or employee of the Department. No reappointment of any such officer or employee shall be required because of his transfer to that Department. Except as otherwise specifically provided by this section, no such officer or employee shall be reduced in rank, grade, seniority, or rate of compensation because of any such transfer.

PROVISIONS OF LAW APPLICABLE TO THE DEPARTMENT

SEC. 9. Except to the extent inconsistent with this Act, all provisions of law applicable to the executive departments generally shall apply to the Department.

REDESIGNATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 10. (a) The Department of Health, Education, and Welfare is hereby redesignated the Department of Health and Welfare, and the Secretary of Health, Education, and Welfare is hereby redesignated the Secretary of Health and Welfare.

(b) Any reference to the Department of Health, Education, and Welfare or the Secretary of Health, Education, and Welfare in any other law, rule, regulation, certificate, directive, instruction, license, or other official paper in force on the effective date of this Act shall be deemed to refer and apply to the Department of Health and Welfare and the Secretary of Health and Welfare, respectively.

NATIONAL ADVISORY COMMISSION ON EDUCATION

SEC. 11. (a) There is established a National Advisory Commission on Education (hereinafter referred to as the "National Commission") composed of fifteen members appointed by the President, by and with the advice and consent of the Senate, from among individuals—

(1) who have a demonstrated commitment, in public or private industries or organizations, for the enhancement and development of the educational needs and goals of the Nation;

(2) who have competence in assessing the progress of educational agencies, institutions, and organizations in meeting those needs and achieving those goals; and

(3) who are experienced with the policies or administration of State and local educational agencies and of institutions of higher education.

Members shall be appointed for terms of three years, except that (A) in the case of initially appointed members, as designated by the President, five members shall be appointed for terms of one year, five members shall be appointed for terms of two years, and five members shall be appointed for terms of three years, and (B) any member appointed to fill a vacancy shall serve the remainder of the term for which the member's predecessor was appointed.

(b) The National Commission shall—

(1) assist the Secretary in the formulation of Federal policy with respect to the appropriate role of the Federal Government in each action;

(2) review the administration of, general regulations for, and operation of Federal education programs;

(3) advise the Secretary and other Federal officials with respects to the educational needs and goals of the Nation and assess the progress of the renewal of appropriate agencies, institutions, and organizations of the Nation in order to meet those needs and achieve those goals;

(4) conduct objective evaluations of specific education programs and projects in order to ascertain the effectiveness of such programs and projects in achieving the purpose for which they are intended;

(5) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of Federal education programs;

(6) consult with Federal, State, and local and other education agencies, institutions, and organizations with respect to assessing education in the United States and the improvement of the quality of education, including—

(A) areas of unmet needs in education, national goals, and changing education priorities, and the means by which those areas may be met, developed, and achieved;

(B) specific means of improving the quality and effectiveness of teaching, curriculums, and educational media and of raising standards of scholarship and levels of achievement;

(7) conduct national conferences on the assessment, improvement, and renewal of education, in which national and regional education associations and organizations, State and local education officers and administrators, and other education-related organizations, institutions, and persons (including parents of children participating in Federal educational assistance programs) may exchange and disseminate information on the improvement of education;

(8) conduct, and report on, comparative studies and evaluations of education systems in foreign countries; and

(9) advise and assist in the coordination of all Federal educational advisory committees, councils or commissions.

(c) The National Commission shall make an annual report, and such other reports as it deems appropriate, to the President and to the Congress, concerning its findings, recommendations, and activities.

(d) In carrying out its responsibilities under this section, the National Commission shall take, together with the Secretary, whatever action is necessary to carry out section 448 of the General Education Provisions Act, to devise a manageable and effective advisory structure for the Department. The National Commission shall advise the Secretary on the number of advisory bodies that are necessary and the manner in which such bodies relate to one another. The National Commission shall consult with the National Advisory Council on the Education of Disadvantaged Children, the National Advisory Council on Education Professions Development, the National Council on Educational Research, and such other advisory councils and committees as may be appropriate to carry out its functions under this subsection. All Federal agencies are directed to cooperate with the National Commission in carrying out its functions under this subsection.

(e) The National Commission is authorized to procure such technical assistance as may be required to carry out its functions and the Secretary shall, in addition, make available to the National Commission such secretarial, clerical, and other assistance and such pertinent data prepared by the

Department as the National Commission may require to carry out its functions.

(f) Members of the National Commission who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the National Commission or while otherwise engaged in the business of the National Commission, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS–18 under section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the National Commission away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(g) The President shall nominate members to the National Commission not later than thirty days after the date of enactment of this Act.

SAVINGS PROVISIONS

SEC. 12. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or

allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any agency or office or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Education by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department of Education. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the agency or office, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary of Education, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in the officer's official capacity as an officer of any agency or office, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or office, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in the officer's official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Department of Education as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If, before the date on which this Act takes effect, any agency or office, or officer thereof in the officer's official capacity, is a party to a suit, and under this Act—

(A) such agency or office, or any part thereof, is transferred to the Secretary of Education,

(B) any function of such agency, office, or part thereof; or officer is transferred to the Secretary of Education,

then such suit shall be continued by the Secretary of Education (except in the case of a suit not involving functions transferred to the Secretary of Education in which case the suit shall be continued by the agency, office, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any agency, office, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the department or officer in which such function is vested pursuant to this Act.

(e) Orders and actions of the Secretary of Education in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions, immediately preceding their transfer, action upon the record, requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Secretary.

(f) In the exercise of the functions transferred under this Act, the Secretary shall have the same authority as that vested in the agency or office, or part thereof, exercising such functions immediately preceding their transfer, and the Secretary's actions in exercising such functions shall have the same force and effect as when exercised by such agency or office, or part thereof.

(g) The Secretary, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred in this Act to the Secretary may delegate any of such functions to such officers and employees of the Department, as the Secretary may designate, may authorize such successive redelegations of such functions as the Secretary may deem appropriate and may make such rules and regulations as may be necessary to carry out functions of the Secretary.

ADMINISTRATIVE PROVISIONS

SEC. 13. (a) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interest of economy and efficiency in the Department including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such fund shall be reimbursed in advance from available funds of agencies and offices in the Department or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses) considered above the amounts transferred or appropriated to establish and maintain such fund.

(b) In addition to the authority contained in any other Act which is transferred to and vested in the Secretary as necessary, and when not otherwise available, the Secretary is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote localities:

(1) emergency medical services and supplies;

(2) food and other subsistence supplies;

(3) motion picture equipment and film for recreation and training; and

(4) living and working quarters and facilities.

The furnishing of medical treatment under paragraph (1) and the furnishing of services and supplies under paragraphs (2) and (3) of this subsection shall be at prices reflecting reasonable value as determined by the Secretary and the proceeds therefrom shall be credited to the appropriation from which the expenditure was made.

(c) (1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary.

(2) Upon the request of the Secretary the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in paragraph (1). Income accruing from such securities, and from any other property held by the Secretary pursuant to paragraph (1) shall be deposited to the credit of the fund, and shall be disbursed upon order of the Secretary.

(d) Nothing contained in this section is intended to amend, modify, or repeal any provisions of law administered by the Department of Health, Education, and Welfare which authorize the making of contracts for research.

ANNUAL REPORT

SEC. 14. The Secretary shall, as soon as practicable after the end of each fiscal year, prepare a report to the President for submission to the Congress on the activities of the Department during the preceding fiscal year. Each such report shall also contain objective data regarding changing trends in education, including enrollments, expenditures, numbers of teachers and other categories of professional and related personnel; special needs of critical concern such as the disadvantaged, rural, and urban education, and progress made toward the continuing renewal of education; the results and outcomes of education and schooling, including the overall results on generally recognized standard examinations for entrance to undergraduate and graduate institutions; budget projections for five years based on actual or anticipated appropriations for the fiscal year in which the annual report is issued; recommendations as to the improvement of programs for the handicapped, recommendations with respect to the advisory structure of the Department, including the names and composition of advisory committees and councils and the relationships the committees and councils bear to one another and recommendations as to the elimination of overlapping advisory committees and similar data.

CONFORMING AMENDMENTS

SEC. 15. (a) Section 19(d) (1) of title 3, United States Code, is amended—

(1) by striking out "Secretary of Health, Education, and Welfare"; and

(2) by inserting before the period at the end thereof a comma and the following: "Secretary of Health and Welfare, Secretary of Education".

(b) Section 101 of title 5, United States Code, is amended—

(1) by striking out "Health, Education, and Welfare." and inserting "Health and Welfare."; and

(2) by adding at the end thereof: "The Department of Education.".

(c) Section 5312 of title 5, United States Code, is amended—

(1) by striking out

"(10) Secretary of Health, Education, and Welfare."

and inserting in lieu thereof

"(10) Secretary of Health and Welfare.";

(2) by striking out "(13)" and inserting in lieu thereof "(14)"; and

(3) by inserting immediately after

"(12) Secretary of Transportation."

the following:

"(13) Secretary of Education.".

(d) Section 5314 of title 5, United States Code, is amended—

(1) by striking out

"(6) Under Secretary of Health, Education, and Welfare."

and inserting in lieu thereof:

"(6) Under Secretary of Health and Welfare."; and

(2) by adding at the end thereof the following:

"(62) Under Secretary of Education.".

(e) Section 5315 of title 5, United States Code, is amended—

(1) by striking out "Assistant Secretaries of Health, Education, and Welfare (5)" and inserting in lieu thereof the following: "Assistant Secretaries of Health and Welfare (4)";

(2) by striking out "General Counsel of the Department of Health, Education, and Welfare." and inserting in lieu thereof the following: "General Counsel of the Department of Health and Welfare."; and

(3) by adding at the end thereof the following:

"(114) Assistant Secretary of Education for Legislative and Public Affairs.

"(115) Assistant Secretary of Education for Administrative and Management Policy.

"(116) Assistant Secretary of Education for Evaluation and Planning.

"(117) Assistant Secretary of Education for Intergovernmental Relations.

"(118) General Counsel, Department of Education.

EXPENDITURES AUTHORIZED

SEC. 16. The Secretary is authorized to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for lawbooks, books of reference and periodicals, and for printing and binding) as may be necessary to carry out the provisions of this Act, and as may be provided for by the Congress from time to time.

APPROPRIATIONS AUTHORIZED

SEC. 17. There are authorized to be appropriated such sums as may be necessary to enable the Department to carry out the provisions of this Act and to perform any other duties which may be imposed upon it by law.

EFFECTIVE DATE

SEC. 18. The provisions of this Act shall be effective on its date of enactment.

○